EXHIBIT 13

May 9, 2017 30(b)(6) Deposition of Experian

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN E. ASHCRAFT) Case No. 2:16-cv-02978-JAD-NJK
)
)
VS.)
)
WELK RESORT GROUP,)
CORP., and EXPERIAN)
INFORMATION SOLUTIONS,)
INC.)

* *

ORAL DEPOSITION OF

ANNA SIMMONS

MAY 3, 2017

Volume No. 1

* *

ORAL DEPOSITION of ANNA SIMMONS, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 3rd of May, 2017, from 10:14 a.m. to 5:18 p.m., before Sherry Folchert, CSR, in and for the State of Texas, reported by machine shorthand, at the offices of Jones Day, 2727 North Harwood, Dallas, Texas 75201.

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A P P E A R A N C E S

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ALSO PRESENT:

Lucille Chiusano (telephonically)

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AGREEMENTS

It is hereby agreed by and between the parties hereto, through their attorneys appearing herein, that any and all objections to any question or answer herein, except as to the form of the question and responsiveness of the answer, may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that this deposition may be signed before any notary public in and for the State of Texas, but if the original deposition has not been signed by the witness and returned by the time of the trial or any hearing in the case, the unsigned original or a copy thereof may be returned into Court and used with the same force and effect as though all requirements of the rules and statutes with reference to signature and return had been fully complied with.

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P R O C E E D I N G S

ANNA SIMMONS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. CLARK:

Q. Good morning. Could you please identify yourself for the record, ma'am?

A. Anna Simmons.

Q. Okay. Could you spell your name, please?

A. A-N-N-A, S-I-M-M-O-N-S.

Q. And, Ms. Simmons, do you mind if -- you and I -- you and I have talked in -- in the past; have we not?

A. Yes.

Q. Okay. And in those -- those prior depositions, Ms. Simmons, I referred to you as Anna. Is that still okay?

A. Yes.

Q. All right. And you can -- as before, you can call me Miles. So just more specifically, my name is, again, Miles Clark. I represent the Plaintiff John Ashcraft in this case. And so we're here to take your deposition today.

Mrs. -- sorry. Anna, have you been deposed before?

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A. Yes.
Q. And approximately how many times?
A. I think nine times.
Q. Okay. And is -- are all of those depositions ones in which you testified on behalf of Experian?
A. Yes.
Q. Okay. And --
MS. BRASTER: Miles --
Q. (BY MR. CLARK) -- are all of those --
MS. BRASTER: -- this is Jen. If I can interject real quick. I'm going to see if I can just turn up the conference call phone real quick. Can you just give me one second?
MR. CLARK: Sure.
MS. BRASTER: Thanks.
(Pause in proceedings)
MR. CLARK: All right. And just -- just -- just for the record. So I'm the only one appearing telephonically, everybody else is in Dallas; is that correct?
MS. BRASTER: Yes. And for the record, this is Jennifer Braster the attorney for Experian.
MR. CLARK: Good.
Q. (BY MR. CLARK) Okay. So, Anna, and of those -- of those nine depositions, what -- what was the

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first time you were deposed?
A. I don't remember. It was several years ago.
Q. Okay. It was several -- so it was several years ago was the first time you were deposed on behalf of Experian?
A. That's correct.
Q. Okay. Do you -- do you recall being deposed on February 24th in a case called Lynn Travers? Twelfth -- February 24th of this year?
A. Yes, I -- I don't remember the date, but I remember being deposed for Lynn Travers.
Q. And -- and, Anna, during the course of the -- this deposition, I'll make several representations to you. And when I make a representation to you that you can -- you can rely on that. You can rely on the fact as true. And if I'm wrong, that's going to be on me. Is that okay?
A. Yes.
Q. Okay. So do you recall -- so I'll represent to you that -- that your deposition was taken -- or Experian's deposition was take on -- in a case called Lynn Travers and that was 16-CV-18 --
THE REPORTER: Sir, I need you --
MR. CLARK: -- District Court --
THE REPORTER: It is it a bad -- sir --

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MR. CLARK: -- 27 --

THE REPORTER: I can't understand you. I need you to either -- slow down a little bit. The connection is not great.

MR. CLARK: All right. Well, this is -- I've -- I've appeared telephonically on a number of cases and we've done so through Jones Day's conference line --

THE REPORTER: Okay.

MR. CLARK: -- the connection has never been a problem before. I don't know why it would be a problem today. But if -- just let me know --

THE REPORTER: Okay.

MR. CLARK: All right. Should I repeat my last question?

THE REPORTER: Please.

Q. (BY MR. CLARK) All right. And I'll just rephrase it.

Anna, I'll represent to you that I deposed you appearing on behalf of Experian on February 24, 2017, in a case called Lynn Travers, which is Case No. 16-CD-1848; is that okay?

A. Yes.

Q. Okay. And do you recall being deposed in a case called Serena Goodman on March 3, 2017, sitting on

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behalf of Experian?

A. Yes.

Q. Okay. And do you recall sitting in as Experian's 30(b)(6) witness on March 9th, 2017, in a case called Michael Hannan, 16-CD-1814?

A. Yes.

Q. Okay. Okay. And in -- in those three cases -- and I'll refer to them as Travers, Goodman and Hannan, you gave testimony as Experian's 30(b)(6) witness; is that correct?

A. Yes.

Q. And -- okay. And so the -- so those are three of the nine times that you say you've been deposed. Were you deposed -- and so you said the first time you'd been deposed was several years ago, correct?

A. Yes.

Q. Okay. Any other of the remaining six depositions -- did any of the other depositions take place a few -- a few months ago or a few years ago or -- or over what time period did those other five depositions take place?

MS. BRASTER: Objection; compound.

THE WITNESS: Within the last ten months, maybe, the other five depositions took place. Other than one that was several years back.

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Q. (BY MR. CLARK) And so -- so it's fair to say you were deposed once and then there was a gap of several years and then you've been deposed eight times in the last ten months?
A. Roughly, yes.
Q. Okay. And -- and the reason I ask, Anna, is just to -- to gauge your familiarity with taking a deposition. The -- so before the Lynn Travers deposition on February 24th, 2017, how many of your -- how many times had you been deposed back at that time that you sat for that deposition?
A. I don't remember.
Q. Okay. Would it -- have you been deposed -- other than the three depositions that I've pointed out a moment ago, have you ever been deposed at any point in time after February 14, 2017?
MS. BRASTER: Objection to vague.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. And how many times have you been deposed since February 24th of 2017?
A. Maybe two. But I don't remember. I didn't look at my deposition dates before today's depo.
Q. Okay. So maybe -- maybe -- maybe two, maybe -- maybe one or two more; is that fair to say?
MS. BRASTER: Objection to the extent it

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misstates her testimony.

THE WITNESS: I think so.

Q. (BY MR. CLARK) Okay. All right. So you -- you have some familiarity with your deposition. Would you like me to go over the general admonitions for taking a deposition?

A. No thank you.

Q. Okay. I will have to ask you a few things, Anna, which you're are probably -- probably aware of. Number one, because this is a -- I'm appearing telephonically, I'll just ask you to wait -- and I'm sure that we -- both of us will -- will get this wrong at certain points during the course of the deposition. But since we're doing this deposition telephonically, if you could please wait to answer my question until the full question is presented, I'll try to -- I'll try not talk over you and I'd appreciate if you didn't talk over me. It may be difficult for us to anticipate where the other is pausing, given that we can't see each other, but I'll -- I'll do my best if -- if you do too; is that all right?

A. Yes.

Q. Okay. And because this is a deposition we're -- we -- we're interested in answers that are like yes or no and not like uh-huh and huh-uh. That means

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that the -- that also means that if an answer calls for, you know, a -- a -- a nod of the head or a shake of the head, we would like you to respond with an affirmative yes or no. Is that okay?
A. Yes.
Q. Okay. And if -- if I ask a question that you don't know what is -- what I'm asking, I ask plenty of bad questions. Don't -- you can always ask me if you -- you need clarification on what I'm -- the question I've asked. Is that all right?
A. Yes.
Q. And again, if you need a break at any time, just ask and I'll just ask that you answer the question that I have pending before we take a break. Is that all right?
A. Yes.
Q. And you're aware that you have to tell the truth today, correct?
A. Yes.
Q. And you must answer my questions without any coaching from your counsel?
A. Correct.
Q. And you're here to testify as Experian's 30(b)(6) witness today, correct?
A. Yes.

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Q. And you understand that your answers today bind the company?
A. Yes.
Q. And have you had any drugs or alcohol in the last 24 hours that would impair your ability to answer my questions truthfully and accurately?
A. No.
Q. Is there any other reason you can't testify truthfully and accurately today?
A. No.
Q. Do you have any questions for me at all before we begin?
A. No.
Q. So, Anna, I -- I mentioned before that I would make certain representations to you and -- during the course of the deposition and I'll make several representations to you here just for purposes of getting us both on the right -- on the right track. And so -- so just listen carefully and then -- and then we'll -- we'll get started.
So the first thing I'll represent to you is that Mr. Ashcraft, John Ashcraft, who is the plaintiff in this case, filed a Chapter 7 Bankruptcy Petition in the US Bankruptcy Court for the District in Nevada on April 29, 2011.

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Is that okay?
A. Yes.
Q. The second thing I'll represent to you is that Mr. Ashcraft's bankruptcy was discharged in August 2011. Is that all right?
A. Yes.
Q. And I'll finally, for now, I'll represent to you that the -- that Mr. Ashcraft filed his complaint with the U.S. District Court for the District of Nevada on December 22, 2016. Is that all right?
A. Yes.
Q. And I may -- may make some other representations while we go along.
So now let me -- let me ask you basically, do you know why you're here today?
A. Yes.
Q. And why are you here?
A. To sit as a 30(b)(6) for Experian.
Q. And what did you do to prepare for your deposition?
A. I sat with my attorney.
Q. Okay. And -- and when did you talk to your attorney?
A. Yesterday.
Q. And about for how long?

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A. About four hours.
Q. And was anyone else besides you and your attorney present for the conversation?
A. It was me and two of my attorneys.
Q. Okay. And who were the attorneys that were present?
A. Jennifer Braster and Andrew Cummings a.
Q. And who is Andrew Cummings?
A. He is an attorney for Experian.
Q. Okay. And so it's fair to say he helped you prepare for today's deposition, along with Jennifer Braster?
A. Yes.
Q. But he's not on the call with us today, correct?
A. Correct.
Q. Okay. Let's see. Okay.
MR. CLARK: So let's see. At this point, Madam Court Reporter, you have a list of -- a binder with exhibit tabs in it; is that correct?
THE REPORTER: Yes, we do.
MR. CLARK: Okay. And, Jen, let's see. I had -- I had one copy printed, but I'm going to be able to refer you to Bates numbers for -- for each of the exhibits that I -- that I intend to enter. The only

exception is going to be the one that I enter now, which is going to be the First Amended Deposition Notice and Amended Objections. Okay?

MS. BRASTER: Okay.

MR. CLARK: All right. So, Madam Court Reporter, if you could please enter Tab 1A and Tab 1B as -- together as Exhibit 1, please.

(Exhibit 1 was marked)

MR. CLARK: Thank you.

Q. (BY MR. CLARK) Okay. So, Anna, please take a moment to look over what I've had the court reporter mark as Exhibit 1 and let me know when you're ready to proceed.

A. Okay. I'm ready.

Q. All right. So do you recognize the documents that I've had marked as Exhibit 1?

A. Yes.

Q. Okay. Have you seen them before?

A. Yes.

Q. And what are they?

A. Amended Notice of Deposition.

Q. Okay. Is there another document attached as Exhibit 1, aside from the Amended Notice of Deposition?

A. (Looked at document.) Yes.

Q. Okay. And what is the title of that document?

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A. Amended Objections to the First Amended Notice of Deposition.

Q. Okay. I just wanted to make sure -- and -- and you've seen the amended objections as well, right?

A. Yes.

Q. Okay. So did you -- did you review this notice and these amended objections in preparation for your deposition today?

A. Yes.

Q. Okay. So what I would like you to do is looking at the Amended Notice of Deposition, there is a list of deposition topics listed on -- from page six through -- through ten of the amended notice. And I would like -- I would like you to look through those -- those pages and then just -- as you're -- as you're reading through topics, let me know if there are any topics for which you're not able to testify to today. Is that all right?

A. Yes.

MS. BRASTER: I'm just going to object to the extent that we had a meet and confer on this and we stand by our amended objections. But the witness can still answer.

MR. CLARK: Understood. That's why I introduced amended objections as well.

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MS. BRASTER: Yeah. No. Understood.
THE WITNESS: Topic O and S.
Q. (BY MR. CLARK) And topic O and S, are those subtopics of a particularly numbered topic?
A. Number four.
Q. Okay. Topic number four, O and S. Anything else?
A. (Looked at document.) Topic 12 about adverse action, risk factor and denial codes. Topic 14 --
Q. Okay.
A. -- for quotas and productivity targets. Topic 16.
Q. Okay. Other than -- sorry -- topic 16, sorry.
A. Yes, topic 16.
Q. Okay.
A. (Looked at document.) The rest I can talk about some with just a high overview.
Q. When you say the rest I can talk about some with just a high overview, when you say "the rest," what do you mean?
A. The rest of the topics that you've had me review.
Q. So you are not able to testify as to specifics on any of those topics? When you say high -- I want to understand what high overview means in your mind.

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A. It is a general term I use. Maybe some topics I would just have a high overview instead -- and other topics I would be able to give you more specific -- specifics and details once you ask me about them.

Q. Okay. So we don't know right now the extent to which you're able to provide testimony until I ask the question. Is that fair to say?

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: It's fair to say I would be able to answer a question -- a specific question from you best, instead of just trying to answer generally right now without getting a specific topic to talk about.

Q. (BY MR. CLARK) I understand. Let me -- let me just make sure that there are no -- there are no surprises later in the deposition.

What topics of -- other than the ones you just listed that you will not be able to testify to, which of the remaining topics are ones for which you believe you can give only, as you -- as you say, a high overview of any questions posed within that topic?

A. I'm not able to answer it. It's a very general question. I would need you to ask me about a specific topic for me to know -- you know, it has to be a more

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specific question about a topic.

Q. Okay. Well then, I -- I'm afraid -- we did hold a meet and confer, I'll represent to you, on -- on your deposition and I will tell you that we -- this is -- this is not a -- an answer that has been given, I think in response to other times you've been deposed. What I'm going to have to do is I'm going to have to go topic by topic and ask you specifically for each topic whether this is one for which you would -- you believe you can a high overview, as you have characterized it. Or one in which you -- you have -- you have more specific knowledge.

So I'm sorry I have to do this. But based on your answer, I don't think I have a choice.

So let's start with topic one. Is topic one -- and -- and so if I refer to a -- a high overview, I don't know what you mean by that. So I have to use your term. Let me know if you don't understand the use of your term. And I will try to ask another question.

But my first question is with the topic one. Is topic one a -- a -- topic for which you can only provide, as you have stated, a high overview?

A. No.

Q. What about topic two?

A. No.

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Q. What about topic three?
A. No.
Q. What about topic 4A to 4N and 4P through 4R?
A. No.
Q. What about topic five?
A. No.
Q. What about topic six?
A. No.
Q. What about topic seven?
A. No.
Q. What about topic eight?
A. No.
Q. What about topic nine?
A. No.
Q. What about topic ten?
A. No.
Q. What about topic 11?
A. No.
Q. What about topic 13?
A. No.
Q. What about topic 15?
A. No.
Q. What about topic 17?
A. No.
Q. What about topic 18?

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A. Yes.
Q. What about topic 19?
A. No.
Q. All right. So of the topics for which you have indicated that you can only give a high overview only topic 18 is one for which you believe you can only provide a high overview?
A. Yes.
Q. All right. Did you understand what -- what I meant when -- when I used the term "high overview"?
A. Yes.
Q. Do you have any questions about the language or -- I'm sorry.
Do you have any --
Strike that.
Do you have any questions about -- about any of the deposition topics, either as -- as they have been phrased or how -- what they're asking for or do you have any other questions about the topics themselves that I can clarify in advance of asking you questions today?
MS. BRASTER: Objection; compound and vague.
THE WITNESS: I don't have any questions at the moment.

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Q. (BY MR. CLARK) Okay. Is there any reason why you feel you don't understand what any of the particular topics for which you can provide testimony today is -- is asking?

MS. BRASTER: Objection to vague and standing by our amended objections.

THE WITNESS: No.

Q. (BY MR. CLARK) Turning to topic 16. You said you are not able to provide testimony today is that -- did I hear you correctly?

A. Yes.

Q. Why?

A. I do not know what online data exchange is.

Q. You've never heard the term "online data exchange"?

MS. BRASTER: Objection; outside the scope.

THE WITNESS: I've heard of it in other depositions.

Q. (BY MR. CLARK) Other than in online -- other depositions, you've never heard of the term "online data exchange"?

MS. BRASTER: Same objection. Asked and answered.

THE WITNESS: That is correct.

Q. (BY MR. CLARK) Okay. So the -- the term

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"online data exchange" has never come up in your -- the course of your work at Experian?

MS. BRASTER: Objection; outside scope.

THE WITNESS: That is correct.

MR. CLARK: Okay. I'm going to leave the deposition open on topic 12, 14, 16 and topic one -- O and S -- sorry. Topic four, subtopics O and S. As well as for topic 18, which is the -- which is a -- for which any question I ask call for something other than a high overview.

Anna, that's not a -- that doesn't -- that's not meant accusatory in any way. We don't want you to testify in any way that -- that forces you to guess or forces you to -- to, you know, speculate as to the answer. But it is my right to hold the deposition open on a series of topics if you were not able to testify. I am doing so now. And we'll -- we'll see how that goes.

MS. BRASTER: And we're just -- I will object to leaving it open on those topics. But that's certainly a conversation for another day. I'm not going to go through the objection with everybody on the phone. So we can move forward.

MR. CLARK: Of course. Okay.

Q. (BY MR. CLARK) Anna, thank you very much for

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that. You can -- you can place Exhibit 1 aside. And we'll just do some background questions.

I apologize. You've probably heard these before, but I -- this is another deposition and we have not reached an agreement which would permit me to not ask them.

So I'll have to ask some of them again. I'm sure these -- the answers will be familiar to you.

So, Anna, if you could please tell me a little bit about your educational background?

A. I have a bachelor's degree.

Q. Okay. And when did you start working for Experian?

A. May of 2004.

Q. What was your first job at Experian?

A. I was a customer service agent. I believe that's what the title was, but I'm not exactly sure.

Q. Okay. And about how long did you have that job?

A. For about seven months.

Q. What time period did you have that job?

A. May of 2004 until July -- I'm sorry. Until December of 2004.

Q. And did -- what -- is customer service agent a job that still exists as Experian?

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A. Yes.
Q. Could you just tell me in general what your job duties were as a customer service agent?
A. Yes. In general, they were to assist consumers with disputes they might have regarding information on their credit report.
Q. Okay. And after December of 2004 -- let me ask you this. Have -- since May of 2004 have you worked for Experian continuously?
A. Yes.
Q. Okay. And so after December 2004 did you take another job with Experian?
A. Yes.
Q. What was the name of that job?
A. Senior regulatory affairs associate.
Q. And about how long did you have that job?
A. Until June of 2016.
Q. Okay. And so could you tell me just in general is -- what that job entailed?
A. I still assisted consumers with disputes they might have regarding information on their credit files. But we received the disputes through other venues, such as an attorney that would be representing a consumer. Could be a regulatory agency. Media venue, attorney general's office, a BBB office, a Congressional office.

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Q. Okay. So -- and -- and -- and when did you -- sorry. When did you leave that job again?
A. June of 2016.
Q. And you testified before that you had been deposed nine times, correct?
A. I -- I stated roughly nine times. I -- I didn't memorize --
Q. Okay.
A. -- before I came today.
Q. I understand. And -- and I'm not -- the -- I'm not -- I'm not asking that figure. I thought I heard you say definitively, but if you said roughly that's -- that's fine. I don't want to put words into your mouth.
And -- but the first deposition, if I recall correctly, was -- was about three years ago?
MS. BRASTER: Objection to the extent it misstates her testimony.
THE WITNESS: I didn't state three years. It was several years ago and I don't remember when it was.
Q. (BY MR. CLARK) Okay. But if it was several years ago, I -- the question I'm trying to get to is -- were you deposed for the first time while you were in the job you just described for Experian, the senior regulatory affairs associate?

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A. I was a senior regulatory affairs associate when I was first deposed.

Q. Okay. And were you deposed as Experian's 30(b)(6) witness at that time?

A. No.

Q. Okay. Were you deposed as a representative of Experian at that time?

MS. BRASTER: Objection to vague.

THE WITNESS: I'm sorry, I don't know the -- the legal explanation for representative of Experian. So I don't want to answer wrong.

Q. (BY MR. CLARK) Okay. I understand. Did you testify as Experian's 30(b)(6) witness in that -- in the deposition several years ago?

MS. BRASTER: Objection; asked and answered.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. And that was the only -- did you -- at that deposition did you testify as to your position as a senior regulatory affairs associate?

A. I was a senior regulatory affairs associate when I had that depo.

Q. Okay. And -- and do you recall the name of the case for which you testified?

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A. I do not.
Q. Okay. Other than the three depositions that I mentioned at the beginning of this -- of our conversation -- and those were, for the record, the Travers, Hannan and Goodman deposition, do you recall the names of any of the cases for which you have been deposed in the past?
A. One name of the plaintiff was Patty Jo Sharp.
Q. Patty Jo Sharp. And -- and here -- here's a real memory test. Do you recall how to spell Sharp?
A. Yes. S --
Q. Okay. And how do you spell that?
A. S-H-A-R-P.
Q. And do you -- and how long ago did you testify as a Experian 30(b)(6) witness for the -- I'll just refer to it as the Sharp case. Is that okay?
A. That is okay. And I -- I don't remember.
Q. Okay. Was it -- was it -- it was sometime in the last ten months. Is that fair to say?
A. Yes.
Q. Okay. And do you recall what district that -- what judicial district, if any, that case was -- was -- was in at the time you testified?
A. No.
Q. Okay. Let's see. Do you recall -- do you

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recall any other names of -- of plaintiffs for depositions where you have sat as Experian's 30(b)(6) witness?

A. I recall my last one being -- the last name was King and it was two plaintiffs. One was Taiwana and other one I think was Shakina. But I do not remember how to spell either of their first names.

Q. That's -- that's -- that's -- that's totally fine. And -- but you said it was King, K-I-N-G?

A. Yes.

Q. Okay. And -- and -- and if you were to estimate, about when did you take that deposition?

A. I believe it was last month.

Q. Okay. And let me ask you this -- and I'll just refer to that as -- as the King case, if you don't mind? Is that all right?

A. Yes.

Q. For the -- for the Sharp case, do you remember the -- the name of the attorney who -- who deposed you?

A. No.

Q. Okay. You don't remember their first name or their last name?

A. No.

Q. Okay. What about for the Sharp case -- or did I just ask -- I think I just asked you about the Sharp

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case. So what about for the King case?

A. I do not remember.

Q. Okay. Fair enough. All right. So let's see. In -- so in -- in the summer of 2006 (sic) you took another position at Experian; did you not?

MS. BRASTER: I'm sorry, Miles. Can you repeat that? Did you say the summer of 2006?

MR. CLARK: 2016.

MS. BRASTER: Thank you.

THE WITNESS: Yes.

Q. (BY MR. CLARK) And what was the name of that job you took?

A. Senior legal and compliance specialist.

Q. Okay. And what does a -- a senior legal and compliance specialist do at Experian in general?

A. In general, I assist with federal litigation that has been filed against Experian.

Q. And when you say assist with federal litigation filed against Experian, what do you mean?

A. I work with Experian's attorneys regarding federal cases filed against Experian.

Q. Okay. And when you say work with attorneys, what do you mean?

A. I research and answer their questions.

Q. And when you say research and answer their

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questions, what do you research?

MS. BRASTER: I object to the extent it calls for work product or attorney/client communications. And to the extent your answer would call for that type of information, I would instruct you not to answer.

MR. CLARK: That's fine. And, Anna, I -- I -- I agree. I don't want you to provide me with the substance of any information which is privileged. I'm asking as -- as -- as you might say a high overview. I'm not asking for any specific information related to any particular case. I'm just trying to get an idea of -- in general of what you do in your -- in your current job.

THE WITNESS: And what was the last question?

MR. CLARK: Madam Court Reporter, could you read back my last question, please?

THE REPORTER: (Read back.)

MS. BRASTER: Same objections.

THE WITNESS: Whatever they ask me to research regarding a consumer that might have filed federal litigation against Experian.

Q. (BY MR. CLARK) Okay. And when you say -- when you say whatever, are there things that are commonly --

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that you are commonly asked to research on a regular basis?

MS. BRASTER: At this point if it's asking questions regarding exactly what she researches for attorneys, I will instruct Ms. Simmons not to answer on the grounds of work product.

MR. CLARK: And -- and -- and to be clear, I am asking in general what she does in her job. I'm not asking for information in any particular case. I think that if she's unable to answer those questions, it's hard to get an understanding about what Ms. Simmons' job actually entails.

MS. BRASTER: If it's a higher --

MR. CLARK: But we can --

MS. BRASTER: I'm sorry. Go ahead. I thought you were finished.

MR. CLARK: Sorry. No, no. You go.

MS. BRASTER: I was going to say then if the high overview, then I'm just going to object as to asked and answered.

Q. (BY MR. CLARK) So Ms. Simmons, are you refusing to answer my question about what you do in your current job?

MS. BRASTER: Same objection. Asked and answered.

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THE WITNESS: No, I did not refuse to answer your question.

Q. (BY MR. CLARK) Okay. So will you answer my question then?

A. I'm sorry, can you repeat the last question?

MR. CLARK: Certainly.

Madam Court Reporter, could you read back the last question, please, before the objection?

THE REPORTER: (Read back.)

MS. BRASTER: Object to the extent it calls for privileged communications and asked and answered.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And what are those things?

MS. BRASTER: I'm going to object again to the extent it calls for privileged information. If it's a general answer, you may answer. But any specifics, I would instruct you not to answer.

(Phone beeped)

MS. BRASTER: Did somebody else just call in? There was a blip on the phone?

MR. CLARK: Yeah. I heard that too.

Did -- did somebody else call in? If you could, please identify yourself.

MS. CHIUSANO: Miles, it's me Lucille.

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MR. CLARK: Okay. So for the record everyone, the -- the person on the call is Lucille Chiusano, who is my assistant at my law firm. She'll be observing the deposition today.

And, Lu, when you get on and off the conference, if I could just have you identify yourself. They're not giving us the -- the prompt to say who we are. So we want to make sure that -- because it's telephonic, we want to make sure that everybody knows who is on the call at any given time.

Is that all right?

MS. CHIUSANO: That will be fine.

MR. CLARK: Okay. Thank you very much. All right. Sorry about that, Folks.

But, Anna, would like -- would you like to hear the last question again?

THE WITNESS: Yes, please.

MR. CLARK: Okay. You're welcome.

Madam Court Reporter, could you read back my last question, please?

THE REPORTER: (Read back.)

MS. BRASTER: Same objections.

THE WITNESS: Can you please ask me the question again? I heard your question, Madam Court Reporter, but I think I might need a more detailed

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question again, please.
Q. (BY MR. CLARK) Well, let me -- let me ask you this, Anna. Do you recall giving background information or testifying as to the background information of your current job in the Lynn Travers deposition?
A. I don't recall what I stated about my job in that deposition, I'm sorry.
Q. That's okay. And that -- that -- that testimony isn't before you. I'm just recalling. Do you recall in general giving answers to questions about your background information at that deposition?
A. I do recall answering background questions at that deposition.
Q. Okay. And do you recall answering background questions at the Goodman deposition?
A. Yes.
Q. And do you recall answering background questions at the Hannan deposition?
A. Yes.
Q. And so those -- those answers you gave, those answers were -- to those depositions were true and correct to the best of your knowledge?
MS. BRASTER: Objection. Outside the scope. Improper.
THE WITNESS: Yes.

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Q. (BY MR. CLARK) Okay. All right. We can move on.
Okay. So other than answering questions from your attorney, are there any other -- sorry. From the Experian attorneys to be -- to be sure, to the degree that I said something slightly different than how you describe your role, I apologize. But other than answering questions from -- from attorneys, is there any other task that you generally engage in at your current job?
A. That is my main function is to work with the attorneys in regard to federal litigation filed against Experian.
Q. Okay. Do you -- as part of your job, do you also -- do you also sit for depositions like this one?
A. Yes.
Q. Okay. And after June of 2016, is that -- was it only after that time that you began sitting for depositions like this one at Experian's 30(b)(6) representative?
A. Yes.
Q. Okay. And you said the first time you sat through a deposition was about ten months ago? You can't remember the date, I understand, but it was about ten months ago?

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MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: Are you asking me as a 30(b)(6)?

MR. CLARK: Correct.

THE WITNESS: I -- I -- roughly ten months ago, I would imagine so, yes.

Q. (BY MR. CLARK) Okay. All right. So let's see -- and let me ask you this before I transition into the -- in the main entrée of the deposition. No. 1, Anna, if you want to take a break right now, we're about to transition into a different area. So I'm happy to give you one.

So I'll ask you that question first. Would you like a break before we start on another line of conversation?

A. No. I'm okay to keep going if everybody else is.

Q. Fantastic.

MS. BRASTER: Why don't we take a break in a half hour or so and then I can check on lunch and find timing for that and all that good stuff.

MR. CLARK: That sounds like a good idea. So great. So, yeah, Anna, again, if you need a break at any point in time, this is not an endurance test, just

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let me know.
Q. (BY MR. CLARK) So with that, let me ask you: Did you review any documents in preparation for your deposition today, in addition to speaking with your attorneys?
A. Yes.
Q. And do you recall -- I know we talked about the Deposition Notice and the First Amended Deposition Notice and the Amended Objections. But were there any other besides those two documents? Were there any other documents that you reviewed?
A. Yes.
Q. Okay. And although you may not recall all of them, do you recall maybe some of the documents that you looked at?
A. Yes.
Q. And what are those -- what are the documents that you recall looking at in preparation for your deposition today?
A. Disclosure log, D/R Log, transaction log, mail correspondence. Disclosure. CDF. Admin report. ACDV. Interrogatories.
Q. Anything else that you can recall?
A. I cannot recall anything else right now.
Q. Okay. Just before we get -- Anna, do you have

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any notes or anything else in front of you within -- within eyeshot that you're -- that you're looking at while you answer these questions?

A. In front of me I have a piece of paper where I wrote down the bankruptcy dates you gave me and complaint filing date you gave me.

Q. Okay. So you didn't bring any notes or anything into the deposition with you today?

A. I did not.

Q. And you're not able to look at your attorney's -- any notes that your attorney may -- may have in front of them. And I don't want to know what those are. I was just wondering if you can see them, if they exist, because I'm not there.

A. I'm not looking at anybody's notes, no.

Q. Okay. And -- and so I would ask that you not do that during the deposition unless -- unless instructed to do so by -- if the question calls for it or because we have something logistical that comes up that requires you to look at your attorney's laptop screen, if she's got one there. Is that all right?

A. Yes.

MS. BRASTER: Miles, I'll represent to that I have my laptop turned so she can't see it and I also have my notes on the other side so she can't see them.

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Nor would I have her look at my notes or my laptop screen.

MS. BRASTER: I understand that. And -- and -- and I would not expect that. But just because I'm not there, I just want to, out of an abundance of caution, make sure that that's the -- that's the -- the circumstances on the ground. If I had been present, I probably would not have asked that question at all.

Q. (BY MR. CLARK) Okay. So --

MR. CLARK: Madam Court Reporter, if you could please introduce --

And, of course, Anna, the exception to the paperwork in front of you will be any exhibits that I -- that I have -- that I have introduced for you to look at. Obviously, I -- I want you to look at those, so...

Just so we're clear.

Madam Court Reporter, if you could introduce Tab 2 as Exhibit 2, please?

THE REPORTER: Okay.

(Exhibit No. 2 was marked)

MR. CLARK: And, Jen, for reference, this is Experian 1 through 93.

MS. BRASTER: Experian 1 to 93. Got it. Thank you.

MR. CLARK: Correct. Sure.

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Q. (BY MR. CLARK) And, Anna, do you have Exhibit 2 in front of you?
A. Yes.
Q. Could you please take a moment and look through exhibit -- Exhibit 2 and just let me know when you've had a chance to review that?
A. Yes, I will do that now. (Looked at document.)
Q. Thank you.
A. I'm finished.
Q. So let me first ask a general, did you review all of the material contained in Exhibit 2 in preparation for your deposition today?
A. Yes.
Q. Okay. So let's see -- I'll now direct you to specific pages of Exhibit 2 and we'll just go through them in general. But if you could direct your attention first to pages 1 to 46, please? When I say 1 to 46, I'm going to be referring to -- there's a number on the lower left -- right-hand corner of the page that says EXP-ASHCRAFT and then has a number -- a row of numbers. If it's okay with you, just to make things easier as we go back and forth between pages, I'll just refer to the -- the number. So, for example, number one, number 35, number 28, when I'm referring to pages in -- in exhibits. Is that -- is that okay with you or would you

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like me to say the entire number?
A. It is okay with me.
Q. Okay. And if you have any questions about -- if -- if what I say is not clear about where I'm directing your attention, please let me know and I'll be happy to clarify. So I will direct you first to pages 1 through 46. And I'll ask you -- well, what -- what in -- in your mind these pages are?
A. This is the mail correspondence Experian received for Mr. John Ashcraft.
Q. And when you say mail correspondence, what do you mean?
A. I mean mail that Experian received regarding Mr. Ashcraft. And when looking through it, there is a dispute regarding information on his credit file.
Q. Okay. And when you say there is a dispute regarding information on his credit file, are you looking at particular pages within one to 46 to make that conclusion?
A. (Looked at document.) Yes.
Q. And what pages are you looking at?
A. It appears the dispute starts on page one.
Q. Okay. And how many pages does the dispute comprise of?
MS. BRASTER: Objection to the extent it

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calls for a legal conclusion.

THE WITNESS: The verbiage ends on page three. However, there's, you know, additional attachments.

Q. (BY MR. CLARK) So it's a three-page letter with -- with a few attachments; is that -- is that your reading of this?

MS. BRASTER: Objection to vague.

THE WITNESS: It's a three page -- well, I mean it -- it's a lot more pages. So I'm sorry, can you please ask me the question again?

Q. (BY MR. CLARK) Sure. I'm -- I directed your attention to pages one to 46, did I not?

A. Yes. That is what I'm looking at.

Q. And you had -- you had characterized those pages as mail correspondence from John Ashcraft to Experian; did you not?

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: Yes.

Q. (BY MR. CLARK) And we had -- we had talked about pages one to three as being a -- a dispute from Mr. Ashcraft to Experian?

MS. BRASTER: Same objection, legal conclusion.

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THE WITNESS: Yes.

Q. (BY MR. CLARK) So what do pages four to 46 represent?

A. I would have to -- they're all different -- or several of them represent different things. Are you asking me to -- about a specific page?

Q. Yes, if the pages -- particular pages within four to 46 mean different things, I would like you to tell me what those things are and specify page numbers for which you believe those differences exist. Can you do that?

MS. BRASTER: Objection to vague.

THE WITNESS: Sure. I can go through his correspondence and let you know what I think it is.

MR. CLARK: Thank you.

THE WITNESS: Page -- page five appears to be a disclosure. I believe the disclosure ends on page 35.

MR. CLARK: Okay.

THE WITNESS: I believe page 37 through page 42 -- it appears to be the voluntary petition for bankruptcy for filing Chapter 7 for John Ashcraft.

MR. CLARK: Okay.

THE WITNESS: Page 47 through page 64 is a disclosure for John Ashcraft.

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Q. (BY MR. CLARK) Okay. Just -- I'll stop you right there. I was just -- I directed your attention to one through 46. We'll go through the rest of those pages in a moment. I just wanted to -- but if you would like to -- actually, let me ask a few housekeeping questions about one to 46. And then we'll go through the rest of Exhibit 2. Is that all right?

A. Yes.

Q. Thank you. I didn't mean to cut you off there. You're -- you're -- you're anticipating my next question and I -- I do appreciate that. So on -- just to close the loop. On Ashcraft 36, that looks like a blank page with a line through it, right?

MS. BRASTER: You said 46, right, Miles?

MR. CLARK: Thirty-six.

MS. BRASTER: Oh, I'm sorry.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And there are a few other pages with -- that are blank with lines through them, right? I'm looking at, for example, 38 and 40. And 42. And 44. Do you see those?

A. Yes.

Q. And is that just -- are those blanks just how they would have scanned Mr. Ashcraft's mail correspondence into records?

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A. I believe so.
Q. Okay. I'm just trying to make sure we're not missing any pages here.
Okay. And I believe that the -- let's see. Did we talk about the documents contained on Ashcraft 43 and 45, 46?
A. I did not talk about it.
Q. Okay. So if I could just direct your attention to those pages before we move on and if you could just tell me what those pages are.
A. Page 43 appears to be a copy of a driver's license and a copy of a health insurance, maybe Medicare card.
Q. Okay. Looking at 43, can you tell who that driver's license and Medicare card -- what the name is listed on those?
A. Yes.
Q. What is the name?
A. John Ashcraft.
Q. What about 45, 46? What are those pages?
A. Did you say 45?
Q. I -- I did, thank you.
A. Forty-five appears to be a copy of the front of an envelope that states "certified mail."
Q. Okay. Is there -- is there a date on the

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certified -- on 45 that you can ascertain?

A. April 25th. And more than likely that's 2016.

Q. Okay. And is there a -- is there a name on the return -- the return address that you can see?

A. Yes.

Q. And what is that name?

A. John Ashcraft.

Q. Who is this certified mailing addressed to?

A. Experian.

Q. Okay. And -- and if these pages were included in Mr. Ashcraft's mail correspondence, is it fair to conclude that Mr. Ashcraft sent this correspondence to Experian via certified mail on or about April 25, 2016?

MS. BRASTER: Objection; assumes facts. Foundation.

THE WITNESS: That's what it looks like.

Q. (BY MR. CLARK) Okay. When -- after Experian receives mail correspondence like the kind that we've talked about on pages one through 46, what did Experian do with that mail correspondence after they received it? What is the first thing they do?

MS. BRASTER: Objection to the extent it's outside the scope. Vague.

THE WITNESS: Well, I believe -- I don't know if there's something before this because I don't

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know, you know, all the exact steps. But I believe the first step is opening the mail, reviewing the content of the mail correspondence. And I'm sorry I guess I went to the second step. So I will wait for your next question.

Q. (BY MR. CLARK) That -- that's okay. That's -- that saves me having to ask the question. So I appreciate it.

Who at Experian opens the mail?

MS. BRASTER: Same objection.

Q. (BY MR. CLARK) Is there a name for that type of person? A -- a job title?

MS. BRASTER: Same objections.

THE WITNESS: I do not know that job title.

Q. (BY MR. CLARK) Is it -- is the job title ACDV agent?

MS. BRASTER: Same objections. And assumes facts. Foundation.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. Are you familiar with the -- with the ACDV agent?

A. Yes.

Q. Are you familiar with the job title "dispute agent"?

A. Yes.

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Q. Are you familiar with the job title "cast agent"?
A. Yes.
Q. Do any of those individuals with those job titles open the mail at Experian?
A. No.
Q. Does the person who -- does the type of employee at Experian who opens the mail have any other role in Experian's dispute process after the mail is opened?
MS. BRASTER: Objection; outside the scope. Foundation.
THE WITNESS: I don't think so.
Q. (BY MR. CLARK) Okay. All right. You testified that after the mail is received it's opened and -- and then what happens after that in the dispute process?
MS. BRASTER: Objection; outside the scope.
THE WITNESS: It is reviewed.
MR. CLARK: Hold on. Jen, are -- are you saying that Experian's disputes process is outside the scope?
MS. BRASTER: What I'm saying with respect to the mail sorting procedure pursuant to our meet and confer was that she could testify as to this plaintiff

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only. So if it's generic, I'm not going to instruct her not to answer, but I'm lodging that objection.

MR. CLARK: Okay. And I'm not talking about mail sorting procedures. I'm asking -- I'm asking what Experian does with the mail after it receives in the course of answering a dispute. That's something else, sorting. That's -- that's answering the dispute as far as I see it. So if you're saying that -- you know, we can -- can have disagreement on what my question actually means. But if what you're telling me is that -- is that you're objecting on the grounds that me asking about Experian's consumer dispute resolution process from the beginning is outside the scope, then I think we're going to have a real problem here.

MS. BRASTER: Miles, can you give me one second to go back through the topics and just take a quick look.

MR. CLARK: Sure.

MS. BRASTER: Okay. I looked through the objections. I am going to stand by my objection -- excuse me. I looked through our amended objections which identified topics. I am going to stand by my objection, but I'm not going to instruct the witness not to answer if it's general questions with respect to a dispute.

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MR. CLARK: Okay. So let me understand, you know, why you believe that this is outside the scope. Are you saying that -- that the process of -- of sending mail correspondence to a -- a particular dispute agent would be not something that is involved in Experian's consumer dispute process?

MS. BRASTER: I'm not sure I fully understand your question. What I'm saying is that I don't believe this line of inquiry is contained in the topics that have been propounded, nor in which we identified Anna to testify as to.

MR. CLARK: Yeah. I -- I'm going to disagree with you --

MS. BRASTER: Okay.

MR. CLARK: -- on whether or not this is within the scope of the topics which have been propounded because clearly I think that you and I would both agree that -- that Experian's disputes resolution process is properly contained within the topics for which the witness has been designated. Is that fair to say?

MS. BRASTER: Well, it's fair to say we have a dispute. You can certainly ask her the questions. I went back and I looked through the topics --

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MR. CLARK: I --

MS. BRASTER: -- and I -- I made that objection in good faith. I -- I -- that's why I spent a minute here to go back and look through the topics to make sure I was not missing something.

MR. CLARK: Okay. I just want to make sure because I know that we've -- we've had disputes which have gone to court where you mentioned, among other things, your -- the fact that I had answered (sic) questions which are outside the scope. So I want to make sure that I understand why you believe that certain questions that I ask are outside the scope. If -- it doesn't -- I think that we -- I think we have a disagreement as to whether or not this is -- this line of inquiry is properly contained within a -- within a topic for which the witness had been designated to testify. But with that being said, we'll -- we'll just -- we'll continue.

MS. BRASTER: Fair enough. And I agree. I think we have a dispute. I looked through the topics and I don't believe this is contained in one of the topics that we identified Ms. Simmons to testify as to.

MR. CLARK: All right. And I -- I -- I disagree with that -- with that contention.

MS. BRASTER: Okay.

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MR. CLARK: But we'll -- we'll continue.
Q. (BY MR. CLARK) Okay, Anna. Sorry about all that.
Would you like -- would you like me to ask you last question again?
A. Yes, please.
MR. CLARK: Madam Court Reporter, if you can find it, could you -- could you please read back the last question I had asked the witness, please?
THE REPORTER: (Read back.)
THE WITNESS: The mail correspondence is reviewed in its entirety.
Q. (BY MR. CLARK) Okay. And who reviews it?
MS. BRASTER: Same objection.
THE WITNESS: Again, I'm sorry, I don't know their title.
Q. (BY MR. CLARK) Okay. After that review is done, what is the next step in the dispute process?
MS. BRASTER: Same objection.
THE WITNESS: I believe that then mail correspondence would be routed into a specific queue.
Q. (BY MR. CLARK) Okay. And what kind of queues could it be routed in to?
MS. BRASTER: Same objection.
THE WITNESS: Some of the queues it could

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be routed to would be for a CDI request or for a regular dispute queue or for a fraud dispute.

Q. (BY MR. CLARK) Okay. Are there any other queues you can think of?

MS. BRASTER: Same objection.

THE WITNESS: Other than those three, I believe there's a queue where consumers are requesting to be opted out of maybe an Experian mailing list. I'm not exactly sure of the exact terminology.

Q. (BY MR. CLARK) I think I know what you mean. Would that be a opt-out for promotional inquires?

MS. BRASTER: Objection; foundation. Assumes facts.

THE WITNESS: Yes. Yes, it could be that.

Q. (BY MR. CLARK) And -- and that would be different than a fraud dispute, right? There would be different queues?

MS. BRASTER: Objection; outside the scope.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And so -- so somebody -- so somebody at Experian -- we're not sure what the title is -- but somebody at Experian decides when the mail comes in, whether a piece of mail correspondence is a dispute or an opt-out notice or a request for CDI or any of those things. Is that -- is that fair to say?

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MS. BRASTER: Same objection. Compound.
THE WITNESS: Yes.
Q. (BY MR. CLARK) So after assuming that -- that a -- that mail correspondence is determined to be a consumer dispute and is -- is placed in the appropriate queue after that decision had been made, what happens to the dispute after that?
MS. BRASTER: Same objection.
THE WITNESS: Then an agent would process the consumer disputes.
Q. (BY MR. CLARK) Okay. And when you say agent, are there particular titles of Experian agents that you're thinking of?
A. I don't know the exact titles. But earlier you stated dispute agent. So I would think that's okay to -- to speak about the agent as a dispute agent.
Q. Is that your understanding about who the -- who at Experian handles these -- these particular disputes?
MS. BRASTER: Objection to vague.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. I just wanted to make sure that we're both talking about the same thing here. I don't want to get to a situation where I think I'm saying one thing and you're saying another thing and then we find out at the end of the deposition that you

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were -- we were saying different things. Because if that happens, you're coming back.

The -- if -- if -- if there's a reason to do so.

Okay. So -- so after a dispute is received, then it's a dispute agent that basically picks up the dispute. Is it -- is there any other type of agent who is -- would -- who would handle consumers disputes at this step that we've been talking about, other than what we have both agreed to characterize as a dispute agent?

MS. BRASTER: Objection to vague, assumes facts and outside the scope.

THE WITNESS: I don't think so.

Q. (BY MR. CLARK) Okay. So what does the dispute agent do with the dispute once the dispute agent receives it?

MS. BRASTER: Objection; outside the scope.

THE WITNESS: They would review the mail correspondence in its entirety and analyze the request.

Q. (BY MR. CLARK) Okay. And what are the types of action that a dispute agent could take after review of the mail correspondence?

MS. BRASTER: Objection; speculation, vague.

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THE WITNESS: There are probably more than I can remember to state. But one example could be to send an ACDV to the data furnisher to convey the dispute.

Q. (BY MR. CLARK) Okay. Are there other things that the agent -- dispute agent could do with the dispute?

MS. BRASTER: Same objections.

THE WITNESS: Yes. They would send ACDV to the consumer stating the item appears exactly as they would like it to appear.

Q. (BY MR. CLARK) Okay. What else? Is there anything else, first of all?

MS. BRASTER: Same objections. And outside the scope.

THE WITNESS: They could add an employer to the credit file as the consumer has requested.

Q. (BY MR. CLARK) Okay. Anything else?

A. They could delete an employer from the credit file as the consumer has requested.

Q. Okay. Let me -- let me ask you this question because I can see why you're -- you think that there are a lot of things that Experian -- that a dispute agent could do.

MS. BRASTER: And -- and, Miles, before you

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go on, I do want to interject the same objections to the last line of questioning, but it went very quickly.

MR. CLARK: Okay. Jen, do those objection include being outside the scope?

MS. BRASTER: That is correct.

MR. CLARK: All right. If you think so. Interesting.

Q. (BY MR. CLARK) Okay. Anna, let me see if I can ask a different type of question that may -- that may -- may make this a bit simpler.

Who can the dispute agent -- after reviewing the mail correspondence that -- that -- which the dispute is comprised, who -- what other persons or entities can the dispute agent send a -- a communication to about that -- about that -- about the dispute? You had mentioned sending an ACDV, which that would be to the -- an ACDV would be sent to a -- a furnisher of information; is that right?

MS. BRASTER: Objection to vague, and compound.

THE WITNESS: An ACDV is sent to a data furnisher.

Q. (BY MR. CLARK) Okay. Other than a data furnisher, are there other people or agencies for whom a dispute agent could communicate regarding the

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information contained in a consumer's dispute?

MS. BRASTER: Objection; speculation.

THE WITNESS: I'm sorry, I don't know because I'm not understanding the question about who else they would send information to about a consumer's dispute.

Q. (BY MR. CLARK) Well, you had mentioned that they could send ACDV back to the consumer; did you not?

A. Yes.

Q. And you mentioned that they could send an ACDV to the data furnisher. We got that through a series of questions. But I think that was the -- that -- that was the gist of what -- of what we talked about. Is that fair to say?

A. Yes.

Q. So -- so they can -- so a dispute agent can send to -- can send a communication regarding the correspondence received in the dispute to both the data furnisher and the disputing consumer. Is that fair to say?

MS. BRASTER: Objection to speculation, legal conclusion.

THE WITNESS: Yes.

Q. (BY MR. CLARK) And so other than the data furnisher and -- and the disputing consumer, is there

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any other individual or entity for whom a -- an agent can send a communication regarding information in -- in a consumer dispute?

MS. BRASTER: Same objections.

THE WITNESS: I can't think of who the agent, the dispute agent, would send or convey the dispute to right now, if that's what you're asking.

Q. (BY MR. CLARK) Okay. That -- t.

Hat's fine. It's kind of a -- it's kind of a tough question to articulate maybe. So I appreciate you working through that with me. And that's fine.

If you think of something later, please don't hesitate to amend your answer if -- if to you need to.

So is -- let me ask you this: Can a dispute agent send the -- are you familiar with the -- with the term "frivolous" as it's commonly used in the consumer dispute process?

MS. BRASTER: Objection; legal conclusion.

THE WITNESS: Yes, I have heard of that term.

Q. (BY MR. CLARK) Okay. And -- and have you heard of that term in the context of your work at Experian?

A. Yes, I have heard of it.

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Q. And in the context of your work at Experian, what does the term "frivolous" mean as far as you understand it?

MS. BRASTER: Same objection. Outside the scope.

THE WITNESS: As far as I understand it, I've never had to describe this term, so I don't know everything I should say about it. But as far as I understand it, it might mean that a dispute does not have enough information in it for Experian to understand what it is.

MR. CLARK: Okay. Yeah. And -- and that's -- that's sort of my general understanding of that -- of that term, too.

Q. (BY MR. CLARK) And if -- if -- can a dispute agent make a decision after receiving a -- after receiving a consumer dispute that the dispute is frivolous?

MS. BRASTER: Same objections.

THE WITNESS: I've never heard of a dispute agent making a decision about -- with a frivolous terminology, no.

Q. (BY MR. CLARK) Okay. Can a -- can a dispute agent determine that -- that you testified earlier that the -- you had testified earlier that the -- that a

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dispute agent can send ACDV to a consumer indicating that the disputed information was actually reporting as the consumer wished it to. That may not be exactly true, but do you recall saying something to that effect earlier?

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. Is there -- does Experian have a name for -- for that decision that a dispute agent makes, i.e., a decision in which the dispute agent determines whether a -- an item of information disputed by a consumer is actually reported as the consumer would wish it to and then sends the -- ACDV to that effect to the consumer in response to the dispute?

MS. BRASTER: Objection to vague, speculation. Compound.

THE WITNESS: I do not --

MR. CLARK: My question. I'm sorry. Anna, my -- my angiologies.

THE WITNESS: I do not remember the beginning of your question.

Q. (BY MR. CLARK) I'm asking if Experian has a name for the process that I described. If you wish to

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hear the question again in its entirety, I will have the court reporter read it back to you. What would you like me to do?

MS. BRASTER: Same objections.

THE WITNESS: No, you answered. That's what I needed. And I do not know of a name for that process you described.

Q. (BY MR. CLARK) Okay. Does -- do you think Experian has a name for that process?

MS. BRASTER: Same objections. As well foundation.

THE WITNESS: I do not think there is a name for that process. I've never heard of a name for it.

Q. (BY MR. CLARK) Okay. Is -- is if a consumer doesn't provide enough information for Experian to fully research their dispute, is that a decision that a dispute agent would make after reviewing the mail correspondence or does some other type of Experian employee make that determination?

MS. BRASTER: Objection; speculation. Assumes facts.

THE WITNESS: If I understand your question correctly, the answer is yes, the dispute agent can make the decision.

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Q. (BY MR. CLARK) Okay. You said the dispute agent can. Does anyone else at Experian make that decision other than the dispute agent?

MS. BRASTER: Same objections.

THE WITNESS: I don't think so. It would be the person that is reading the mail correspondence. So if it -- if we were still speaking about a dispute agent reviewing it, it would be that dispute agent that would make that decision.

Q. (BY MR. CLARK) Okay. And if a dispute agent's determine that they did not have enough information to answer the consumer's dispute, what steps does the dispute agent take after that point?

MS. BRASTER: Objection; speculation. Foundation and assumes facts.

THE WITNESS: They would convey that information to the consumer.

Q. (BY MR. CLARK) Would they convey that information to anyone else?

MS. BRASTER: Same objection.

THE WITNESS: More than likely, no.

Q. (BY MR. CLARK) Would they convey that information to -- or -- or the -- sorry. Strike that.

Would they convey the -- the contents of the dispute to anyone else, such as a data furnisher?

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MS. BRASTER: Objection. Speculation, vague.

THE WITNESS: If the dispute agent does not know what the dispute is, they would not be able to send -- they would have to have a dispute. So if they do not understand the dispute, there would be nothing to convey.

Q. (BY MR. CLARK) Okay. What if -- what if the dispute included enough information for Experian to identify the data furnisher in question, would it -- would that change your answer to my last question?

MS. BRASTER: Objection; speculation.

THE WITNESS: If there is not a dispute to convey, they would not have a dispute to send.

Q. (BY MR. CLARK) Okay. Let me -- let me ask you -- maybe I should have asked this -- this at the beginning.

What is a dispute?

MS. BRASTER: Objection to the extent it calls for a legal conclusion.

THE WITNESS: In general terms it is a consumer's disagreement with something that's appearing on their credit file.

Q. (BY MR. CLARK) Okay. And are there ever circumstances in which Experian receives a -- a piece of

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mail correspondence which it can identify as a dispute but does not have enough information to be able to answer all questions needed to be answered in connection with that dispute?

MS. BRASTER: Objection; speculation. Foundation.

THE WITNESS: I don't know. I would have to have a more specific question. I'm not able to answer that.

MR. CLARK: Okay.

MS. BRASTER: And, Miles, whenever you're at a good stopping point, if we could just take a quick break and I'll also find out timing for lunch.

MR. CLARK: Yeah. You know, I -- I -- because we're a little bit past 30 minutes. Jen, let me do this, I got about five minutes. I just want to run through the rest of Exhibit 1. I think it's going to go a lot quicker. I'm not going to ask any -- I'm just going to ask some foundational questions.

MS. BRASTER: Sure.

MR. CLARK: Can we get through that and then take a break?

MS. BRASTER: Yeah. No, no, that's fine.

MR. CLARK: Okay. Fantastic. And thank you.

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Q. (BY MR. CLARK) All right. And so -- thank you, Anna.

Like I said, I just want to go through a few more of these documents on Exhibit 2 just so we know what we're talking about.

And so if you can turn now to pages 47 through 64 and let me know what those pages are.

A. (Looked at document.) Pages 47 through 64 appears to be a disclosure for John Ashcraft.

Q. Okay. What's the date of the disclosure?

A. March 15, 2016.

Q. Is that same date for the disclosure contained in the -- in Mr. Ashcraft's mail correspondence that we just talked about?

A. (Looked at document.) Yes.

Q. Okay. And -- okay. Great. So if we can turn to page 65.

A. Okay.

Q. And what is this?

A. (Looked at document.) ACDV response.

Q. Okay. And just -- and what is an ACDV?

A. Automatic consumer dispute verification.

Q. Okay. Is this a -- a document that -- that a data furnisher sends to a consumer reporting agency after receiving notice of a dispute from the consumer?

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A. Yes.
Q. Okay. And -- and who is this -- who is this ACDV sent by?
MS. BRASTER: Objection to vague.
THE WITNESS: This ACDV was sent to Experian from Welk Resort Group.
Q. (BY MR. CLARK) Okay. Thank you. Looking at -- looking at Experian's 66 -- actually, no, strike that.
Looking at Experian 68 through 71.
A. (Looked at document.) I'm there, yes.
Q. Okay. And so -- and, again, Anna, I'm -- I'm not asking if you've seen these pages before because I believe you testified that you had reviewed all of them in preparation for your deposition today. But if you haven't seen any of these pages, just let me know.
So I -- I'm assuming that you have seen them because you testified to that previously. But again, if I was incorrect in that, then -- then please let me know.
But pages 68 to 71, what are they?
A. This is a CDF.
Q. Okay. What's the date?
A. May 16, 2016.
Q. And who was the CDF sent to?

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A. John Ashcraft.

Q. Is this a CDF that Experian sent to Mr. Ashcraft in response to a consumer dispute that he had previously submitted to Experian?

A. Yes.

Q. And do you know whether or not his -- whether or not it would have been in response to Mr. Ashcraft's April 25, 2016, dispute that we talked about a few moments ago?

A. Yes.

Q. All right. So -- and so let's see. If we could turn to pages 72 to 87, please.

A. (Witness complies.) Did you say to page 87?

Q. 87, correct.

A. Okay.

Q. And what are these pages?

A. This is a disclosure.

Q. Okay. What's the date of the disclosure?

A. January 25, 2017.

Q. Is there an individual for whom this disclosure was prepared?

A. The name on this disclosure is John Ashcraft.

Q. Okay. All right. Now, let's see pages 88 to 93, please.

A. Okay.

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Q. And what are these pages?
A. ACDV.
Q. Okay. And is there a name for whom this CDF was prepared for?
A. The name on the CDF is John Ashcraft.
Q. And what's the date of this CDF?
A. February 8, 2017.
Q. Okay. Thanks very much, Anna.
MR. CLARK: We can take a break now. Do you want to take five or ten?
MS. BRASTER: Let's go off the record.
(Break taken)
Q. (BY MR. CLARK) Anna, are you ready to continue?
A. Yes.
MR. CLARK: So, Madam Court Reporter, if we could please mark Tab 3 as Exhibit 3, please.
(Exhibit No. 3 was marked)
Q. (BY MR. CLARK) All right. Can you please review what has been marked as Exhibit 3 and let me know when you -- when you're done?
MS. BRASTER: And I'm just looking over real quick, for my benefit, that's the 94 to 106; is that correct?
MR. CLARK: Oh, yes. My apologies, Jen.

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That's Experian 94 to 106.

THE WITNESS: I have reviewed the document.

Q. (BY MR. CLARK) All right. Are pages 94 to 106 pages you reviewed in preparation for your deposition today?

A. Yes.

Q. Okay. So turning first to 94 to 96, what are these pages?

A. This is a transaction log.

Q. What is a transaction log?

A. This one is a carbon copy of an Equifax dispute.

Q. Okay. Is Equifax another consumer reporting agency?

A. Yes.

Q. And just -- just to be clear, Experian is a consumer reporting agency; is it not?

A. Yes.

Q. Okay. What is a carbon copy of the investigation?

MS. CHIUSANO: Lucille Chiusano. Hello.

THE WITNESS: This was --

MR. CLARK: Thank you, Lu.

THE WITNESS: In general this is -- these are the results of a -- of a reinvestigation that was

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initiated, more than likely by the consumer, through Equifax, and Equifax sent the investigation request. For this one it appears to be Capital One. And then the results of that were sent to Experian as what we call a carbon copy.

Q. (BY MR. CLARK) Okay. And so does Experian itself then ever send carbon copies of investigations to other consumer reporting agencies like Equifax?

A. No. I believe the carbon copies are sent to Experian, Equifax, Trans Union from the data furnishers.

Q. Okay. So it's -- it's not -- it's not Equifax that would have sent this carbon copy of the investigation to Experian, it would have been -- it would have been the data furnisher?

A. Yes.

Q. And data furnisher in question here was Capital One?

A. Yes.

Q. And what's the -- can you see anywhere on these pages where there's a date that the carbon copy of the investigation was received by Experian?

A. (Looked at document.) Yes.

Q. And what is the date?

A. May 8th, 2016.

Q. Okay. And is there a particular page you're

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looking at to figure out what that date is?
A. Page one of the carbon copy.
Q. Okay. Is there a particular line you're looking at to make that determination?
A. Yes.
Q. Okay. And is that the line that says there's -- there's -- there's a line that says "date received" under update sequence one. Is that what you're looking at?
A. Yes.
Q. Okay. After Experian receives a carbon copy of the investigation, such as the one we've been discussing, what does Experian do with the information contained in the carbon copy reinvestigation?
MS. BRASTER: Objection to vague and speculation.
THE WITNESS: Updates the account accordingly.
MR. CLARK: Okay.
Q. (BY MR. CLARK) If -- if Experian had a consumer dispute pending from that same consumer at the time that it received a carbon copy reinvestigation, such as the one we've been discussing here, would Experian include the results of the update in its reinvestigation results to that consumer?

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MS. BRASTER: Objection; speculation and vague. And assumes facts.

THE WITNESS: I believe so.

Q. (BY MR. CLARK) Okay. And -- would -- and how would -- how would Experian indicate to the consumer in a reinvestigation report sent to the consumer that information contained in a carbon copy reinvestigation had resulted in an update to that disputing consumer's trade line?

MS. BRASTER: Can the court reporter read that back? I didn't catch that.

THE REPORTER: And I didn't catch the last two words.

(Read back.)

MS. BRASTER: Objection to speculation. Foundation. Vague.

THE WITNESS: Experian does not convey carbon copies updates to a consumer.

MR. CLARK: Okay.

THE WITNESS: And I would like to add to that. What I'm stating is they don't go out to a consumer just because there was a carbon copy. However, if a consumer requests a disclosure maybe the day after, of course, then the updates would be conveyed because they would appear on that account.

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Q. (BY MR. CLARK) Okay. And what if -- what if Experian received a carbon copy reinvestigation related to a particular consumer while Experian was processing a -- a dispute from that consumer, would your answer to the last question change?

MS. BRASTER: Objection to speculation, vague.

THE WITNESS: I -- no, I do not think so.

Q. (BY MR. CLARK) Okay. And you mentioned -- you mentioned that -- that this a carbon copy reinvestigation, is that the only type of -- is that the only type of item that a transaction log can contain or can it contain other types of documents as well as a copy carbon reinvestigation?

A. It can also contain an AUD from a data furnisher directly to Experian.

Q. And what is AUD?

A. It is when -- it is an automatic update that a data furnisher wishes to make regarding the trade line they're reporting.

Q. Okay. And when Experian completes its -- a reinvestigation of a consumer dispute, does it also send -- does it send a carbon copy of the reinvestigation to the other -- to other consumer reporting agencies, such as Equifax?

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MS. BRASTER: Objection; speculation. Foundation.

THE WITNESS: No. Experian does not send carbon copies.

Q. (BY MR. CLARK) Okay. Does -- does Experian send the results of a reinvestigation to the data furnishers?

MS. BRASTER: Objection; speculation. Vague.

THE WITNESS: Does -- was your question: Does Experian send the results received from a data furnisher back to the data furnisher?

MR. CLARK: Correct.

THE WITNESS: I can answer that by stating if there are any kinds of updates to the account, the data furnisher gets notified by Experian.

Q. (BY MR. CLARK) Okay. When you say updates to the account, what do you mean?

A. And I don't know how to explain "update." Maybe we could say change. But I use the term "update," yes.

Q. Okay. Well, I guess I'm wondering -- you -- you used the term "update" and now you've indicated you're not quite sure what it means. So I'm just trying to understand, based on how you characterized your

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answer, what an update is. So I think we'll just work through that a little bit.

So let me ask my last question again so we can get on the same line. I apologize for having to do that.

But when -- when you -- when you say "updates," what do you mean?

A. A change to the account information.

Q. Okay. And -- and when you say "change to the account information," what do you mean?

A. It could be several factors. One could be the balance was updated or changed by the data furnisher.

Q. Okay. Could the balance be updated or changed by Experian?

MS. BRASTER: Objection to speculation and foundation.

THE WITNESS: As a result of a reinvestigation, that would be correct.

Q. (BY MR. CLARK) Okay. And when -- so let me ask you this. If Experian received a reinvestigation -- or strike that.

If Experian received an ACDV from the data furnisher and updated the consumer's account, you know, in -- in a manner identical to the information provided by the data furnisher in the ACDV without making any

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other changes to the consumer's account, would Experian send a notification to the data furnisher that it had made the changes to the account as the data furnisher requested?

MS. BRASTER: Objection; speculation. Asked and answered.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And how would -- would Experian keep an internal record of -- of that -- of the fact that it sent that notification to the data furnisher?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Are there any documents that would reflect the fact that Experian sent that notification to the data furnisher?

MS. BRASTER: Same objections.

THE WITNESS: I do not know how Experian keeps records, if there are any of that notification.

Q. (BY MR. CLARK) Okay. Did you -- in reviewing pages 94 to 106, did you see any indication that -- on those documents that Experian had notified the data furnisher of those -- of those updates?

MS. BRASTER: Objection to vague and foundation.

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THE WITNESS: No.

Q. (BY MR. CLARK) And so sitting here today, you're -- you're not sure whether Experian keeps a record of any -- of any -- any of those updates?

MS. BRASTER: Objection to foundation. Vague. And to the extent that it misstates her testimony.

THE WITNESS: Correct.

Q. (BY MR. CLARK) Okay. Do you think Experian does keep a record of those updates somewhere, in some document, even though it's not one of those that we have before us today?

MS. BRASTER: Objection; asked and answered, speculation. Assumes facts.

THE WITNESS: I did not hear the last part of your question.

MR. CLARK: Sure.

Madam Court Reporter, could you please read back my last question?

THE REPORTER: (Read document.)

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. All right. But not withstanding the fact that you're not sure if Experian keeps a record of those updates, it's your belief that

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Experian does update the data furnisher of those updates; is that -- is that correct?

MS. BRASTER: Objection to speculation and to the extent it misstates her testimony.

THE WITNESS: Experian notifies the data furnisher.

Q. (BY MR. CLARK) Okay. All right. So let's go to page 97, please.

A. (Witness complies.) Okay.

Q. What is this page?

A. A disclosure log.

Q. Okay. And what is a disclosure log?

A. It keeps a record of CDIs sent and CDFs sent and dates that those were sent.

Q. Does it -- does it keep a record of the -- the sending of any documents other than a CDI or CDF?

A. No.

Q. Okay. And what -- what -- does -- does a disclosure log -- is it a record of -- of those -- of those documents that are sent to the consumer in question or to anyone else?

A. Is it a record of documents that were sent to the consumer. And what else did you state?

Q. Or -- or anyone else or is it just the consumer?

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A. This is a record of CDIs and CDFs. And they -- this is only the ones that are sent either to the consumer or sometimes it will show if a CDI was requested by Experian for research purposes. But this is not a record of reports sent to third parties.

Q. Okay. And under what circumstances would a disclosure log reflect the -- the -- the fact of -- that Experian had generated a CDI for research purposes?

A. It could be for post-litigation procedures.

Q. Okay. And would a disclosure log reflect the -- sorry.

Would a disclosure log reflect a CDI that Experian generated for research purposes in any occasion under which such CDI had been generated from Experian?

MS. BRASTER: Objection to vague.

THE WITNESS: I don't know.

MR. CLARK: Yeah. Let me ask a better question.

Q. (BY MR. CLARK) What -- what I'm asking, Anna, is that let's assume that -- that a disclosure log was generated on January 1st of 2016, but on -- on December 31st of 2016 -- or 2015 Experian had generated a CDI for research purposes, would a -- would that disclosure log generated a day later reflect the fact that Experian had generated a CDI for research purposes?

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MS. BRASTER: Objection to the extent it calls for speculation and assumes facts.

THE WITNESS: Yes, it should.

Q. (BY MR. CLARK) Okay. All right. Do we know what the date that the disclosure log at Experian 97, that we're looking at, was generated?

A. (Looked at document.) I don't see the date this was generated.

Q. Okay. If -- are there any -- are there any times in which Experian would generate a CDI where a disclosure log generated after the date that Experian generated that particular CDI was made in which the CDI Experian had generated would not show up on the disclosure log?

MS. BRASTER: Objection; speculation. Vague.

THE WITNESS: I don't think so.

Q. (BY MR. CLARK) Okay. All right. Thanks.

So let's go to Experian 98, please.

A. Okay.

Q. And what -- what is this document?

A. D/R Log.

Q. What is a D/R Log?

A. This shows the dispute that was initiated for Welk Resort Group and the dispute resolves as provided

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by the data furnisher.
Q. Okay. Is that a dispute that Mr. Ashcraft submitted?
MS. BRASTER: Objection to foundation.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. Do you see a date on which this report was generated?
A. Yes.
Q. And what's the date?
A. January 25, 2017.
Q. Okay. And a -- so does -- does a D/R Log reflect all of the changes that -- that -- well, strike that.
Strike it. Thank you.
Let's go to Experian 99 to 104.
A. I'm there.
Q. And what are these pages?
A. I'm sorry, you said to page 104?
Q. Oh, oh, my apologies, 106, please.
A. Okay. This is an admin report.
Q. Okay. And what is an admin report?
A. Basically it's an internal document that shows their credit profile of John Ashcraft.
Q. Okay. And when you say "a credit profile," what do you mean?

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A. Information that Experian has relating to John Ashcraft.

Q. Okay. Is this all the information that Experian has for John Ashcraft in its files?

MS. BRASTER: Objection to assumes facts.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. If there was any other information that Experian had regarding Mr. Ashcraft, would it -- do you know where it would exist, other than on this admin report?

MS. BRASTER: Objection to speculation and assumes facts.

THE WITNESS: No.

Q. (BY MR. CLARK) Are you familiar with the term "long form admin report"?

A. Yes.

Q. What is a long form admin report?

A. It's basically the same as the admin, but it might have more information. Such as on an account or a trade line, it would show maybe additional monthly account history. But I do not know all the differences between the two.

Q. Okay. But it -- it's fair to say that it -- it might have additional information that we don't see on the admin report that -- on Ashcraft 99 to 106; is that

fair to say?
MS. BRASTER: Objection to the extent it calls for speculation and outside the scope.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. And to be clear, the admin report we're looking at right here is not a long form admin report; is that -- is that accurate?
A. Yes.
Q. Okay. And -- sorry.
Does -- what does Experian use the admin report for?
A. I'm not quite sure.
Q. Okay. Well, what -- why does Experian have an admin report?
A. I'm not sure why Experian made the decision to have an admin report.
Q. Okay. And -- and you're not sure how Experian uses an admin report?
A. Well, I --
MS. BRASTER: Objection to asked and answered.
THE WITNESS: I don't know what all the reasons are. But it could be used, you know, such as when my attorney contacts me regarding a federal litigation case. I could look at an account on there

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and see how it was reporting.

Q. (BY MR. CLARK) Okay. And I don't want to get in to, you know, attorney/client communication and I don't want to get into specifics here. But just as a follow-up, would you look at the admin report or would you look at the long form admin report?

MS. BRASTER: And I appreciate the caveat, Miles, but I will just caution the witness that to the extent the answer calls for privileged communications, I would instruct you not to answer, but you can answer otherwise.

MR. CLARK: Understood.

THE WITNESS: I will usually look at the admin report.

Q. (BY MR. CLARK) Okay. Would you sometimes look at the long form admin report?

MS. BRASTER: And same caution to the witness.

THE WITNESS: I have looked at a long admin report before.

Q. (BY MR. CLARK) Okay. Under what circumstances have you looked at a long form admin report?

MS. BRASTER: Same caution to the witness and to the extent it's outside the scope.

THE WITNESS: I -- I do not know of a

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specific circumstances. But only in response to a research request made by my counsel.

Q. (BY MR. CLARK) Okay. And -- and other than that -- that reason, do you know what other reasons Experian has for using a long form admin report?

A. I do not.

Q. Okay. Let's see. Just going back to the -- going back to the disclosure log.

And how long does it take Experian to generate a disclosure log?

A. About five minutes.

Q. Okay. How about a D/R Log?

A. About five minutes.

Q. How about an admin report?

A. I'm not sure. Maybe a minute.

Q. Okay. And what about a transaction log?

A. One transaction log might take 30 seconds to print, once it is pulled up.

Q. Okay. If -- if -- and sorry. Just follow-up with the admin report.

Do you see a date on which the admin report that we looked at -- at 99 to 106 is generated?

A. Yes.

Q. Okay. And what is that date?

A. January 25, 2017.

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Q. Okay. All right. So let's see. And then -- thank you, Anna. You can set Exhibit 2 and 3 aside for the moment. What I'm going to do now is largely just introduce some other documents or -- or try to introduce them. And so we'll get through these and perhaps be at a good stopping point for lunch after that.

So let me -- before I -- before I begin. Let me ask in addition to the items we discussed on Exhibits 1, 2, and 3, did you look at any other documents in preparation for your deposition today?

A. I don't remember every document. You'd have to tell me which ones I stated to you earlier and I guess I can compare in what's in Exhibit 1, 2 and 3 to make sure I answer correctly.

Q. Sure. I understand. It's not a trick question. And so -- and certainly we've looked at a number of documents so I'm not trying -- not trying to -- not trying to trip you up here.

But let me just ask you in -- let me ask you. Did -- did you review a long form admin report?

A. No.

Q. Okay. Did you review any Experian participants guide?

A. No.

Q. Are you familiar with what a participant -- an

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Experian participant guide is, generally speaking?
A. Yes.
Q. Okay. And what is participants guide?
A. It would be basically a guide, or using the word interchangeably, a manual that would explain a specific process. But I would explain this better if you wanted me to look at a specific one.
Q. I understand. And we -- we'll do that in a second. I'm trying to get some background here.
The -- does Experian, to your knowledge, have a participants guide pertaining to the generation and transmission to the consumer of a consumer disclosure?
A. I believe so.
Q. Okay. And so what I'll -- do you know the name of that participants guide?
A. No, I don't know the names.
Q. Okay. And so what I'll -- what I'll do now is I'll introduce some documents, many of which are called -- and for these business guides I'll just ask you to indicate to me whether or not they include guidelines for generating a consumer disclosure. Okay?
A. Okay.
Q. Okay. And just one last background question before I -- before I begin.

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Do the participants guides contain Experian's policies and procedures for handling various aspects of the consumer dispute process?

MS. BRASTER: Object to vague.

THE WITNESS: Yes, they can.

Q. (BY MR. CLARK) Okay. In addition to participants guides, are there any other documents that Experian would consult to resolve a consumer's dispute?

MS. BRASTER: Objection to vague, speculation.

THE WITNESS: Documents, I'm not sure if there would be additional documents. I can't think of any right now.

Q. (BY MR. CLARK) Okay. And if any time you -- feel free to -- to add them if -- if it comes to you later.

MR. CLARK: Okay. Madam Court Reporter, could we introduce Tab 4 as Exhibit 4, please.

(Exhibit No. 4 was marked)

MR. CLARK: And, Jen, for your benefit this is Experian 245 to 405.

MS. BRASTER: Thank you.

MR. CLARK: You're welcome.

THE WITNESS: (Looked at document.)

MS. BRASTER: Miles, if it assists in the

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process, I can stipulate to the authenticity of this document.

MR. CLARK: Okay. I've got -- I've got a few -- I appreciate that, Jen. I will just have a few additional questions of this one.

MS. BRASTER: Sure.

MR. CLARK: And I just want to establish -- I just want to establish dates and -- and that sort of thing. So...

MS. BRASTER: Sure. And I mean -- and going forward if there's any that you want to just simply authenticate or me stipulating as such, just let me know.

MR. CLARK: Okay. Cool.

Anna, let me let know when you have Exhibit 4.

THE WITNESS: I have Tab 4 in front of me.

MR. CLARK: Okay. And that's been marked as Exhibit 4?

THE WITNESS: Correct.

Q. (BY MR. CLARK) Okay. Is -- does this document contain Experian's policies and procedures for handling ACDV's?

A. Yes.

Q. Okay. And what's the -- what's the date of

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this document?

A. December 23, 2013.

Q. Was this a copy of Experian's policies and procedures which was in force in March through May 2016?

A. I believe so.

Q. Okay. Do you know whether this document had been updated at any point in 2017?

A. I do not.

Q. Okay. Does Experian have a schedule for when it updates its policies and procedures? Does it do so, you know, for example, every March, every January? Is there a routine update process?

MS. BRASTER: Objection to vague and compound.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. And --

MR. CLARK: And -- and Jen, could we stipulate to the authenticity of Exhibit 4?

MS. BRASTER: Yes.

MR. CLARK: Thank you, Anna. You -- you can set this one aside.

After you set that aside, Madam Court Reporter, if we could introduce Tab 5 as Exhibit 5.

(Exhibit No. 5 was marked)

MR. CLARK: And, Jen, this is Experian 450

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to 519.

THE WITNESS: I have this in front of me.

MR. CLARK: Okay.

Q. (BY MR. CLARK) Anna, is this Experian's policies and procedures for handling trade disputes?

A. Yes.

Q. Okay. And what's the date that this document was -- was -- was, for lack of a better word, published?

A. May 20, 2015.

Q. Okay. Was this the copy of Experian's policy and procedures for handling trade disputes which was in force between March 2016 and the end of May 2016?

A. I believe so.

Q. And do you know if this document had been updated in 2017 at any point?

A. I do not.

MR. CLARK: Okay. Jen, could we stipulate to authenticity of Exhibit 5?

MS. BRASTER: Yes.

MR. CLARK: Thank you. All right. Thank you. You can set this one aside.

And, Madam Court Reporter, if we could have Tab 6 as Exhibit 6.

(Exhibit No. 6 was marked)

THE WITNESS: Thank you. I have it in

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front of me.

MR. CLARK: Okay.

MS. BRASTER: And so I'm not leaning over, which one is this one?

MR. CLARK: Oh, sorry. Sorry. I keep forgetting this. 596 to 668.

MS. BRASTER: Thank you.

Q. (BY MR. CLARK) Anna, is this Experian's policies and procedures for handling additional information submitted in connection with a consumer dispute?

A. Yes.

Q. Okay. What's the date at the top of this?

A. April 7, 2016.

Q. Okay. Was this document in force between April and May 2016?

A. I believe so.

Q. And has this document been updated at any point during 2017?

A. I do not know.

Q. Okay.

MR. CLARK: Jen, can we stipulate to the authenticity of Exhibit 6?

MS. BRASTER: Yes.

MR. CLARK: Thank you.

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Okay. Anna, you can set that one aside.

Now, as -- Tab 7 as Exhibit 7, please.

And, Jen, this is 724 to 777.

(Exhibit No. 7 was marked)

THE WITNESS: Thank you. I have this in front of me.

Q. (BY MR. CLARK) Is this document Experian's policies and procedures for identification arising in connection with a consumer dispute?

A. Yes.

Q. And what's the date on this document?

A. March 7, 2016.

Q. Okay. Was this a copy of the policies and procedures for identification and statements in force between March 2016 and May 2016?

A. I believe so.

Q. Was this document updated in 2017, to your knowledge?

A. I do not know.

Q. Okay.

MR. CLARK: Jen, can we stipulate to the authenticity of Exhibit 7?

MS. BRASTER: Yes.

MR. CLARK: Thank you.

Could we have Tab 8 as Exhibit 8, please?

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(Exhibit No. 8 was marked)

MR. CLARK: And, Jen, this is 931 to 962.

THE WITNESS: I have this in front of me.

Q. (BY MR. CLARK) Is this Experian's policies and procedures for handling public records?

A. Yes.

Q. And what's the date of this document?

A. March 29, 2016.

Q. Was this a -- was this a copy of the -- Experian's policies and procedures for handling public records that was in -- in effect between March 29, 2015, and the end of May 2015?

A. I believe so.

Q. And has this document been updated at any point in 2017?

A. I do not know.

MR. CLARK: Okay. Jen, can we stipulate to the authenticity of Exhibit 8?

MS. BRASTER: Yes.

MR. CLARK: Thank you.

Now if we could have Tab 9 as Exhibit 9, please.

(Exhibit No. 9 was marked)

MR. CLARK: Jen, this 1021 to 1029.

MS. BRASTER: Thank you.

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THE WITNESS: I have the document in front of me.

MR. CLARK: Okay.

Q. (BY MR. CLARK) And so what is this document?

A. It basically describes e-OSCAR.

Q. Okay. What is e-OSCAR?

A. It is the automated system that is used to communicate disputes in between a data furnisher and Experian or credit reporting agency.

Q. Okay. And is e-OSCAR the only means by which Experian communicates consumer disputes to a data furnisher?

A. I think that the disputes can also be mailed through a CDV instead of a ACDV.

Q. Okay. Is -- is it more common for Experian to use e-OSCAR to communicate consumer disputes than it is for Experian to mail those disputes?

A. Yes.

Q. Okay. And do you know -- do you know who operates the e-OSCAR system?

MS. BRASTER: Objection to vague. And foundation.

THE WITNESS: No.

Q. (BY MR. CLARK) Do you know who was in charge of maintaining the e-OSCAR system?

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MS. BRASTER: Same objection.
THE WITNESS: No.
Q. (BY MR. CLARK) Okay. Do you know if Experian participated in the -- in the construction of the e-OSCAR system?
MS. BRASTER: Same objection.
THE WITNESS: No.
Q. (BY MR. CLARK) And you can -- and you've been -- you've been an Experian employee since May of 2004; is that fair to say?
A. Yes.
Q. During the entire length of your employment with Experian, has Experian used the e-OSCAR system?
A. I'm not a hundred percent sure, but I believe so.
Q. When you began your employment at Experian in May of 2004, was Experian using the e-OSCAR system at that time?
A. I don't know for sure. We -- as a customer service agent, I was not informed right away about what system was used.
Q. Okay. And as a customer service agent, did you process consumer disputes?
A. Yes.
Q. And how did you process consumer disputes in

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that role?
A. I can't answer that. Could you please be more specific when you ask how?
Q. Sure. Do you understand what I mean when I say "process consumer disputes"?
A. Yes.
Q. Okay. And what -- what is your understanding of processing consumer disputes?
A. One of the things processing a consumer dispute can mean is assisting a consumer with their dispute on their credit file.
Q. Could it also mean communicating with the data furnisher about the information the consumer is disputing?
A. Yes, it can also mean that.
Q. Is -- did -- in your role as a -- as -- sorry, I forgot. You said you were a consumer dispute agent. I -- I -- I -- forget the exact terminology you used, but...
What was the exact -- your exact job title?
A. I stated customer service agent, but I -- I also stated I wasn't sure if that was the title those many years ago.
Q. Okay. So if I refer to customer service agent, we both know what you're talking about. It's that

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employment you had with Experian starting in May 2004?

A. Yes.

Q. Okay. So as a customer discuss -- a customer agent, did you ever, in the course of processing a consumer dispute, send an ACDV to a data furnisher?

A. Yes.

Q. Okay. And what -- when you sent an ACDV to a data furnisher, did -- did you send it through the e-OSCAR system?

A. More than likely, yes. I just handled the dispute where I would choose the dispute reason and then I did not handle the ACDVs. And I did not send them out myself.

Q. Okay. And who -- who sent those ACDVs from the disputes that you -- you handled?

MS. BRASTER: Objection to foundation.

THE WITNESS: I would assume they're almost all systematically sent.

Q. (BY MR. CLARK) When you say systematically sent, what do you mean?

A. Sent by the system.

Q. When you say "the system," what do you mean?

A. Not sent by an agent.

Q. Okay. So the system in your mind means anyone who is not an agent?

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A. In this case, correct.
Q. Would the system then mean that -- does the system in your mind include any human being?
MS. BRASTER: Objection to vague.
THE WITNESS: If I say system, I would imagine it's not a human being, correct.
Q. (BY MR. CLARK) And why -- why do you believe that?
A. That is my understanding of human being and system.
Q. Okay. So let me -- let me see if I understand what you mean by system.
Are you saying that you input information based on a consumer dispute and then the system transmits that information to the data furnisher? Is that -- is that sort of what you're -- you're getting at or am I missing something?
MS. BRASTER: Objection to the extent it misstates her testimony.
THE WITNESS: Yes, that makes sense.
Q. (BY MR. CLARK) Okay. So let's see -- so you're not sure what -- what the system is in terms of whether it's -- all you know is that it's not a human -- it doesn't involve the intervention of a human being; is that fair to say?

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MS. BRASTER: Same objection.

THE WITNESS: Correct. I'm -- I'm not sure of all the details of Experian's system.

Q. (BY MR. CLARK) Okay. Does the system ever -- does the system ever refuse to send an ACDV as you've -- as -- as it's been directed by your action?

A. I do not know.

Q. In your experience as a consumer dispute agent or customer dispute agent, did the system ever reject an ACDV that you -- that you sent?

MS. BRASTER: Objection to vague. Foundation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Let me ask you a general question, Anna, you -- do you use a computer at work?

A. Yes.

Q. When you're -- and -- and do you type on that -- do you type on that computer at any point in time?

A. Yes.

Q. Have you ever typed a letter E?

A. The letter E, is that what you stated?

Q. Yes.

A. Yes.

Q. Okay. And how does -- how does the letter E --

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when you type the letter E on the keyboard, do you expect it to show up on -- on a screen that's in front of you?

A. Yes.

Q. Okay. But even though you're typing the letter E, it's not actually the letter E that is -- that is going through the screen, it would be whatever the computer system is that -- that calculates what you've typed as the letter E and then displays it on the screen, is that -- is that your understanding or do you have a different understanding?

MS. BRASTER: Objection to vague and foundation.

THE WITNESS: I am so sorry, I don't have understanding of how the E gets transmitted through the computer.

Q. (BY MR. CLARK) Okay. If -- let me ask you this question: Have you -- have you wrote e-mails -- or do you write e-mails in the course of -- in the course of your job?

A. Yes.

Q. Okay. And when you -- when you write e-mails, do you type these e-mails out on a keyboard ever?

A. Yes.

Q. Okay. And when you send those e-mails to -- to

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other people, is it -- is it you sending those e-mails or is it the system sending those e-mails?

MS. BRASTER: Objection to foundation and vague.

THE WITNESS: I -- I'm really not quite sure. I guess it would be the system, after I request the e-mail be sent. I don't know how to answer that that well. I'm so sorry.

Q. (BY MR. CLARK) Okay. That -- that's -- that's okay.

Basically what I'm trying to do here is I'm trying to find an analogy to what you testified to. And maybe this is because -- maybe it's not.

So -- but let me ask one more question about -- about those e-mails and then I'll tie it back in. If someone got back to you based on the e-mail that you sent, would they be -- would they be asking about an e-mail that you sent or would they be asking about an e-mail that the system sent?

MS. BRASTER: Same objection.

THE WITNESS: I would imagine that they would be asking about an e-mail that I sent through the system.

Q. (BY MR. CLARK) Okay. Now, in the context of tying this back in to the consumer dispute process as

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you -- as you indicate your -- your role as a customer service agent was, is -- is it -- well, let me ask you this.

Why is -- what is the process of sending a consumer dispute through the system any different than sending an e-mail through an e-mail server to -- to another individual in the ordinary course of your work?

MS. BRASTER: Objection to vague and foundation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. Do you think that those processes, based on your experience, are -- are the same?

MS. BRASTER: Same objection.

THE WITNESS: I am so sorry. I don't understand the question. Did you ask if an e-mail and an ACDV were sent the same?

Q. (BY MR. CLARK) Well, is -- is -- let me ask you this.

If -- if there was something -- if there was something that -- that -- that had been entered by a dispute agent in the course of a dispute that was submitted through e-OSCAR in an ACDV, would -- would the -- would the blame for that error lie with the system or would it lie with the agent who inputted the

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information that was transmitted through the system?

MS. BRASTER: Objection to vague. Speculation, foundation.

THE WITNESS: I will have to ask for the question to be repeated.

MR. CLARK: Sure. Madam Court Reporter.

THE REPORTER: (Read back.)

MS. BRASTER: Same objection.

THE WITNESS: I don't know which error you are referring to.

Q. (BY MR. CLARK) Okay. Let me -- let me try asking it again. Let's suppose that a -- a -- an Experian agent inputted information that was sent to a data furnisher through an ACDV. Are you with me so far?

A. Yes.

Q. And let's say that some of the information that the agent entered that wound up on that ACDV sent to the a furnisher was inaccurate or incorrectly entered. Are you with me so far?

MS. BRASTER: Objection to speculation.

THE WITNESS: Yes. I didn't understand it that way earlier.

Q. (BY MR. CLARK) Okay. And let's say -- let's that Experian found out about that and was trying to figure out who was responsible for -- for that -- for

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that mistake. Are you with me so far?
MS. BRASTER: Same objection.
THE WITNESS: Kind of. I don't know when you state Experian found out about it, but I'm doing my best to -- to follow you as best I can.
Q. (BY MR. CLARK) Okay. When I say found out, I mean received notification that the information inputted by the -- by the Experian employee who sent the dispute to -- ACDV was inaccurate.
MS. BRASTER: Objection to vague, speculation.
Q. (BY MR. CLARK) Are you with me so far?
A. Yes.
Q. Okay. When Experian was trying to figure out who was responsible for inputting that information, would it -- would it look to see if the system was operating properly or would it ask the dispute agent what went wrong?
MS. BRASTER: Same objections. Speculation, foundation and vague.
THE WITNESS: If I remember correctly, you stated that agent entered the wrong information. So --
MR. CLARK: Yes.
THE WITNESS: -- Experian would speak to the agent.

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Q. (BY MR. CLARK) Okay. Thank you. And last question. Is -- you referred to it as "the system" before, right?
A. Yes.
Q. Is the system an Experian system?
MS. BRASTER: Objection to foundation.
THE WITNESS: Experian uses many systems. I don't know if they have created all of them. But yes, some are Experian systems.
Q. (BY MR. CLARK) So when you refer to "the system" in the singular, would you like to amend your testimony to say "the systems"?
A. I don't think so. I think only one system was used for the ACDV to be spent, but Experian --
Q. Okay.
A. -- has several systems regarding different sections.
Q. So I will repeat my question. When we -- we were talking about "the system" before in the singular, do you recall that?
A. Yes.
Q. Now, the system that we're talking about, is that an Experian system?
MS. BRASTER: Objection to foundation.
THE WITNESS: The e-OSCAR system, I don't

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think is an Experian system, but there are other systems that are.

Q. (BY MR. CLARK) And so let me -- let me -- maybe we could have answered this a lot easier before. When you refer to the system, were you referring to e-OSCAR system?

MS. BRASTER: Objection to vague and to the extent it misstates her testimony.

THE WITNESS: Yes, when the ACDV is sent I'm referring to the e-OSCAR system.

Q. (BY MR. CLARK) Okay. Okay. So as you sit here today, you're -- you're not sure whether that is or is not an Experian system?

A. That is correct. I do not know if Experian assisted in creating e-OSCAR.

Q. Okay. Or if Experian maintains e-OSCAR; is that -- is that fair to say?

MS. BRASTER: Objection; asked and answered.

THE WITNESS: Yes, that is fair to say.

Q. (BY MR. CLARK) Okay. But -- so it is possible that -- that Experian did, in fact, either create and/or maintains e-OSCAR; is that -- is that fair to say?

MS. BRASTER: Objection; asked and answered.

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THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. You can't rule out the possibility though, can you?
MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. Let's be clear. You're not -- you're not sure whether Experian either created or -- and/or maintains the e-OSCAR system?
MS. BRASTER: Same objection.
THE WITNESS: I do not know if Experian created or maintains e-OSCAR.
MR. CLARK: Okay. Thank you.
All right. So, Jen, could we stipulate to the authenticity of Exhibit 9?
MS. BRASTER: Yeah. Let me just -- sorry, we went off on a little bit of a tangent there. Exhibit 9 is --
MR. CLARK: Yeah. Yeah. This is --
MS. BRASTER: -- 1021 to 1029.
MR. CLARK: Yes.
MS. BRASTER: Okay. Thank you.
Q. (BY MR. CLARK) Anna, just one more question on these documents. Are these -- are these Experian's documents relating to use of the e-OSCAR system?
A. Yes, I believe so.

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Q. Okay. Thank you. You can set Exhibit 9 aside.

MR. CLARK: Jen, we're -- we're -- I've got -- I've got three more of these. I know it's a little bit after 1:00. So I think -- I think -- I don't have -- I don't think we'll go on any tangents, so it's up to you whether you just want to get through this so we're at a good stopping point. But I'm happy to stop now because we had -- we're already past 1:00. It's up to you.

MS. BRASTER: Yeah. If this is just the basic questions like most of other ones were -- and I didn't mean tangent in an offensive way.

MR. CLARK: Oh, no, no. I -- I agree it did.

MS. BRASTER: Yeah.

MR. CLARK: It was definitely different than the other ways. So I just want to make sure that that -- as I -- as I sit here right now, I don't think that's going to happen. So it's up to you whether you want to break now.

MS. BRASTER: Yeah. Why don't we just go through these last couple if you just want to -- if you have a couple of questions on each of these. But if you think it's going to go lengthy, let us know and we'll take a stop for lunch.

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MR. CLARK: Okay. Will do.
All right. So, Madam Court Reporter, if we could have Tab 10 as Exhibit 10, please.
(Exhibit No. 10 was marked)
THE WITNESS: I have this in front of me.
Q. (BY MR. CLARK) Okay. Anna, what is this document?
MS. BRASTER: And for my benefit, which one is this?
MR. CLARK: Sorry. This is 1030 to 1034.
MS. BRASTER: Thank you.
THE WITNESS: These are ACDV e-OSCAR codes.
Q. (BY MR. CLARK) Okay. Does -- does Experian use these in connection with the consumer dispute process, these codes?
A. Yes, these codes can appear on ACDV.
Q. Okay. And do you know if this document -- I don't see a date on it and so I -- I'm not sure when this document was -- was -- was published. Do you happen to know that?
A. I do not.
Q. Do you know whether this document is currently an accurate list of codes that Experian uses in connection with -- with e-OSCAR?
A. As you stated, that's no date on it. But I

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believe this is an accurate document.
Q. Okay. And just jumping back to Exhibit 9, I don't think I asked that question. But would -- would your answer be the same for Exhibit 9?
A. Yes.
Q. Okay. Thank you.
MR. CLARK: Jen, can we stipulate to the authenticity of Exhibit 10?
MS. BRASTER: Yes.
MR. CLARK: Thank you. All right.
Can we have Tab 11 as Exhibit 11, please?
(Exhibit No. 11 was marked)
MR. CLARK: And, Jen, this is 1035 to 1043.
MS. BRASTER: Thank you.
THE WITNESS: (Looked at document.) I have the document in front of me.
Q. (BY MR. CLARK) Okay. How does Experian use this document?
A. This is basically used as a glossary to understand what these different payments statuses for account conditions mean.
Q. And is there a -- a date on this document?
A. (Looked at document.) I cannot tell if there is a date. I don't think so. But on page 1043 it appears that there was some writing under the Bates

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number.

Q. Okay.

A. I don't know if that was a date or not. But I do not see a date anywhere else.

Q. Okay. And is -- is that -- is that date -- are you seeing that it says 2009?

A. I see --

Q. Is that the same date you're looking at?

A. I see June of 2009, but then there's additional writing under the Bates number and I don't know if there's a different date there.

MS. BRASTER: Miles?

MR. CLARK: Oh, I see it. Okay.

MS. BRASTER: Miles?

MR. CLARK: Yeah.

MS. BRASTER: I don't mean -- I don't mean to interject and make a speaking objection. I have one that doesn't have a Bates number on top of that, if that helps. I can read in what it is or if you want me to show it to the witness, you tell me. Or if we just want to move on. But I do have one with no Bates number on it.

MR. CLARK: If you -- thank you, Jen. If you could just read in that date, that would be helpful.

MS. BRASTER: Sure. The -- that last line

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where it starts 06/09 and then there's like a dot. And then it says 12/24/2559 -- 56 -- 2556.4898C-CF.

MR. CLARK: Okay. And, Jen, as you read that, I -- that doesn't sound like any date that I'm -- that I'm -- that I'm aware of. So...

MS. BRASTER: No. That's why I wanted to clear it up, but I didn't want to...

MR. CLARK: Sure. And -- absolutely. And I -- I appreciate that. That makes it easier.

Q. (BY MR. CLARK) Anna, do you have any reason to believe that this is not a copy of this document that Experian would use between March 2015 and the present?

A. No.

Q. Okay.

MR. CLARK: Jen, can we stipulate to the authenticity of Exhibit 11?

MS. BRASTER: Yes.

MR. CLARK: Okay. Last one. This is -- Madam Court Reporter, can we have Tab 12 as Exhibit 12, please?

(Exhibit No. 12 was marked)

MS. BRASTER: And, Miles, can you tell me what it is so I'm not leaning over.

MR. CLARK: Oh, oh, yeah. Sorry. I'm terrible at this. 1767 to 1774.

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MS. BRASTER: Thank you.
MR. CLARK: You're welcome.
THE WITNESS: I have this in front of me.
Q. (BY MR. CLARK) Okay. So let's see.
What is this?
A. In general, this a document that would be provided to a third party that would assist them in reading a credit profile report.
Q. Okay. And is this a copy of that document that would have been provided to a third party between March of 2016 and the present?
A. I believe so.
Q. Okay.
MR. CLARK: Jen, can we stipulate to the authenticity of Exhibit 12?
MS. BRASTER: Yes.
MR. CLARK: I didn't hear your response.
MS. BRASTER: I said yes. Yes.
MR. CLARK: Great. Well, with that, thanks for -- thanks for sticking with me for a few minutes after -- after 1:00. But let's -- let's go on break and you just let me know -- for lunch, let me know how long do you think you need?
MS. BRASTER: Okay. Well, let's go off the record.

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MR. CLARK: Sure.

(Break taken)

MR. CLARK: Let's go back on the record.

MS. BRASTER: We are on. All right.

Anna, so we're -- I had -- for the remainder of the deposition we're going to be talking largely about Exhibit 2 and Exhibit 3. So -- just so you know that in advance and so you have those -- those -- those documents at that -- at the ready.

MR. CLARK: And, Jen, again for -- for your benefit those were -- those were Experian 1 to 106, as broken up in Exhibit 2. The first being Experian 1 through 93 and Exhibit 3 being 94 to 106.

MS. BRASTER: Thank you.

Q. (BY MR. CLARK) All right. So, Anna, looking at Exhibit 2. We had discussed --

MS. CHIUSANO: Lucille Chiusano. I'm here

MR. CLARK: Thank you, Lu.

Q. (BY MR. CLARK) So, Anna, looking at Exhibit 2 we had discussed in the morning a consumer dispute submitted by Mr. Ashcraft. Do you recall that?

A. Yes.

Q. And was -- was Mr. Ashcraft's dispute -- or was there a letter that Mr. Ashcraft sent to Experian included in the document that you had review?

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MS. BRASTER: Objection to foundation.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. And on what pages of Exhibit 2 was that letter contained in?
A. Page one.
Q. Okay. How about page two?
A. Yes. It -- it only starts on page one. Is -- I should have clarified.
Q. Okay. Yeah. Then page two is blank and then -- but it continues on page three; is that fair to say?
A. Yes.
Q. Okay. So looking at -- so what's -- what's the date of Mr. Ashcraft's letter to Experian on page one?
A. The date on this letter is April 25, 2016.
Q. Okay. And do you see that Mr. Ashcraft is -- is referencing a credit report number, a little bit further down page?
A. Yes.
Q. Okay. And is that credit report number the same credit report number that we see on page five?
A. (Looked at document.) Yes.
Q. Okay. Looking at page three, do you see where it says: Incorrect furnisher of account information?
A. Yes.

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Q. Okay. Is there a furnisher account that Mr. Ashcraft is disputing?
A. Yes.
Q. And what is the name of this furnisher account?
A. Welk Resort Group.
Q. Okay. And what -- what information is Mr. Ashcraft disputing?
A. Late payments after filing a bankruptcy.
Q. And what late payments specifically?
A. May and June of 2011.
Q. Okay. And what information does Mr. Ashcraft dispute on those dates?
A. May of 2011, it appears he's disputing 30 days late. From June of 2011, it appears that he was disputing the 60 days late.
Q. And based on the remainder of the information contained on page three, what does Mr. Ashcraft want Experian to do with respect to this inaccurate information?
MS. BRASTER: Objection to the extent it calls for speculation.
THE WITNESS: To change the late notices to reflect that he was current.
Q. (BY MR. CLARK) Okay. All right. And Mr. Ashcraft references a bankruptcy on this page; is

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that fair to say?
A. Yes.
Q. Okay. Let's see. So looking at -- looking at Ashcraft 9, do you see a notation for a public record?
A. (Looked at document.) Yes.
Q. Okay. And what is that public record?
A. (Looked at document.) A Chapter 7 discharge bankruptcy.
Q. Okay. And what -- is there -- is there a notation as to when the Chapter 7 bankruptcy was filed?
A. Yes.
Q. Okay. And is that -- what is that notation?
A. April 2011.
Q. Is there a date on which this bankruptcy was discharged?
A. Yes.
Q. And what is that date?
A. August 2011.
Q. And is there a -- is that August 2011 entry, does it appear underneath a line that says "date resolved"?
A. Yes.
Q. Okay. So by date resolved, that means the date that it was discharged, the bankruptcy?
A. Yes.

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Q. Okay. And looking on Ashcraft 13 do you see a trade line for Welk Resort Group?
A. (Looked at document.) Yes.
Q. Okay. And is this the Welk Resort Group account that Mr. Ashcraft was disputing in his April 25, 2016, letter to Experian?
A. Yes.
Q. And do you see in -- do you see -- do you see a -- a line near the bottom of this trade line that says payment history?
A. Yes.
Q. Okay. And do you see -- do you see those May and June late notations that Mr. Ashcraft was disputing on that payment history section?
A. Yes. Although they're whited out on this copy so I don't actually right now see the late payments there. It's just two white spots.
Q. Okay. And let's see if we can -- if we can clarify this.
A. I -- I can also add that I did review the documents and I -- I did see that there were late payments there if that will help.
Q. That would. Thank you. And in addition, I'll -- I'll note we -- we had talked earlier about the fact that there was another copy of this March 15, 2016,

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disclosure contained in Ashcraft -- in Ashcraft 47 to 64; did we not?
A. (Looked at document.) Yes.
Q. Okay. And I mean if it's easier for you to read, is -- is that -- on Ashcraft 51 do you see a -- do you see that Welk Resort Group disputed trade line also appearing there?
A. Yes.
Q. And maybe it's little clearer, do you see the May and June late payment that Mr. Ashcraft was disputing on Ashcraft 51 in the payment history of the Welk Resort Group trade line?
A. Yes.
Q. Okay. Okay. So -- and does the -- Welk Resort Group account indicate that it was included in Mr. Ashcraft's bankruptcy?
A. No.
Q. Okay. Let's see. All right. So did -- did Mr. Ashcraft's April 25, 2016, letter dispute a Capital One account with Experian?
A. (Looked at document.) I don't believe so.
Q. Okay. So after -- after Mr. Ashcraft submitted his consumer dispute on April 25, 2016; what did Experian --
Let me ask you this: Did Experian contact

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Welk Resort Group regarding Mr. Ashcraft's dispute?
A. Yes.
Q. And how did it do so?
A. Experian sent an ACDV to the data furnisher, along with attaching Mr. Ashcraft's complete mail correspondence.
Q. Okay. And when you say "complete mail correspondence," you're talking about his letter and all the documents that he attached to his letter, as contained on Ashcraft 1 to 46?
A. Yes.
Q. Okay. And how do know that Experian sent an ACDV to -- to Welk after it received this dispute from Mr. Ashcraft?
A. I believe we looked at a copy of the ACDV response. In addition to the fact that the dispute is displaying in the D/R Log.
Q. Okay. And so that would be ACDV on Ashcraft -- I'm sorry.
Was that the ACDV we looked at in Ashcraft -- on Ashcraft 65?
A. Yes.
Q. Okay. And is that -- is sending the ACDV to Mr. Ashcraft's data furnisher, Welk, in response to Mr. Ashcraft's dispute, that's -- would -- would you say

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that's a -- a -- a normal thing that Experian does when it receives a dispute from the consumer?

MS. BRASTER: Objection to vague.

THE WITNESS: Yes, this can be considered a normal thing, as you stated.

Q. (BY MR. CLARK) Okay. Roughly speaking, how many consumer disputes does Experian receive per year?

MS. BRASTER: Objection to the extent it's outside the scope. Foundation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Is it more than a thousand?

MS. BRASTER: Same objections.

THE WITNESS: I would assume so.

Q. (BY MR. CLARK) Is it more than a million?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. Do you know how many disputes it received by mail?

MS. BRASTER: Same objections and vague.

THE WITNESS: No.

Q. (BY MR. CLARK) How about by electronic mail?

MS. BRASTER: Same objections.

THE WITNESS: No.

Q. (BY MR. CLARK) Do you know how many disputes Experian receives per year which dispute the accuracy of

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information in trade lines which were included in a Chapter 13 bankruptcy?

MS. BRASTER: Same objections.

THE WITNESS: No.

Q. (BY MR. CLARK) Do you think the number is more than a thousand?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Does -- would Experian have a record of -- of such disputes?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Do you think Experian's internal records could -- could show us how many disputes were received?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Same question. How many disputes does Experian receive per year which dispute the accuracy of information contained in trade line which were included in a Chapter 7 bankruptcy?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Do you think the number is more than a thousand?

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MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Do you know think the number is more than 40?
MS. BRASTER: Same objections.
THE WITNESS: I would assume so.
Q. (BY MR. CLARK) And do you think there's -- there would be more than 40 disputes that Experian receives per year which dispute the accuracy of information contained in trade lines which were included in a Chapter 13 bankruptcy?
MS. BRASTER: Same objections.
THE WITNESS: I would assume so.
Q. (BY MR. CLARK) Okay. Do you think the number is more than a hundred?
MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) And we were -- we were talking about Mr. Ashcraft's dispute as -- as related, at least in part, to claimed inaccuracies in the payment history section of his Welk trade line. Do you recall that?
A. Yes.
Q. Okay. What is the payment history section of -- of a trade line?
A. It shows the history of how the payments were

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made to that account and most specifically the timeliness of the payments.

Q. Okay. If the account history section of Mr. Ashcraft's Welk trade line had included a statement which said: That included the Chapter 7 bankruptcy on April 29, 2011, would there be any reporting of payment history after April of 2011?

MS. BRASTER: Objection; calls for speculation and assumes facts.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. And why not?

A. Because the payment history after that filing date would have been suppressed.

Q. Okay. And is that Experian's policy to suppress payment history after the bankruptcy filing date?

MS. BRASTER: Objection to vague.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. Okay. And so let's see.

Do you know how many disputes Experian receives per year which dispute the accuracy of information contained in a payment history section of a trade line which was included in a consumer's bankruptcy?

MS. BRASTER: Objection; foundation.

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Speculation.

THE WITNESS: I do not.

MS. BRASTER: I was going to say -- I'm -- objection; foundation. Outside the scope.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Do you think the number is more than 40?

MS. BRASTER: Same objections.

THE WITNESS: I would assume so.

Q. (BY MR. CLARK) Do you think the number is more than a thousand?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Looking at -- perhaps, Anna, just because it's easier, since we've -- we've agreed that Ashcraft 51 is -- is the same reporting on the Welk trade line as Ashcraft -- what was it? Ashcraft 13. I'll just refer to that one because it's a little bit -- it's a little bit clearer.

The -- do you see where the Welk Resort Group indicates that the account was -- the status is paid and closed on Ashcraft 51?

A. Yes.

Q. Do you see where the -- what's the last date that's included in the payment history on the Welk

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Resort Group trade line?
A. October 2011.
Q. And that's after April 2011, right?
A. Yes.
Q. Okay. Let's see. So turn back to the status section. What is -- what -- what is the status section of a -- of a -- of a consumer trade line?
A. It states the status of the account.
Q. If -- if -- if an account was discharged in a bankruptcy, would a notation to that effect be included in the status section?
MS. BRASTER: Objection; speculation.
THE WITNESS: If a data furnisher reported that this account was discharged in a bankruptcy, that would be reflected under the status section.
Q. (BY MR. CLARK) Can Experian obtain information about a -- the fact of a bankruptcy discharge from anywhere other than from the data furnisher?
MS. BRASTER: Objection to vague.
THE WITNESS: Experian can obtain information regarding bankruptcy public record through LexisNexis.
Q. (BY MR. CLARK) Okay. And is LexisNexis, are they -- are they -- is it fair to say they're a third-party vendor of information?

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A. Yes.
Q. Okay. Is that where Experian gets its bankruptcy-related public record information?
A. Yes.
Q. Are you -- are you familiar with the -- with the --
Let me ask you this: Have you ever seen a bankruptcy petition?
A. I believe so.
Q. Okay. Have you ever seen schedules attached to a bankruptcy petition?
A. Yes.
Q. And -- and are those -- and a bankruptcy petition, to your knowledge, is that a -- a document submitted into the public record in a bankruptcy?
A. I believe it is submitted, as you state, into the public record.
Q. Okay. So a bankruptcy schedule is -- would be a document submitted into the public record, to the best of your knowledge; is that fair to say?
MS. BRASTER: Objection to foundation.
THE WITNESS: I believe so.
Q. (BY MR. CLARK) Okay. Let's see. And let's see.
And how many consumer disputes does

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Experian receive per year which dispute the accuracy of information contained in the status section of a trade line which was included in a consumer's bankruptcy?

MS. BRASTER: Objection; outside the scope. Speculation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Is it more than 40?

MS. BRASTER: Objection; outside scope. Foundation.

THE WITNESS: I would assume so.

Q. (BY MR. CLARK) Do you know if it's more than a thousand?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. And looking -- looking down at Ashcraft 52, we had talked before about a -- a Capital One account which was included in a -- in a carbon copy reinvestigation from Equifax. Do you recall that?

A. Yes, I recall the -- speaking about a carbon copy for a Capital One account.

Q. Okay. I want you to look at Ashcraft 52. Do you see a Capital One account listed there?

A. Yes.

Q. Okay. Do you see that a section below the

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payment history that says "account history"?
A. Yes.
Q. Do you know -- what is an account history section in a trade line?
A. The history of the account.
Q. Okay. And when you say history of the account, what do you -- what do you mean in particular with that?
A. It could be such things as balance information.
Q. Okay. Anything else?
A. It could be something like the date that a payment was received.
Q. Okay. Could it include a scheduled payment amount?
A. Yes.
Q. Could it include an actual amount paid?
A. Yes.
Q. Okay. Do you know how many disputes Experian receives per year which dispute the accuracy of information contained in the account history section of a trade line included in a consumer's bankruptcy?
MS. BRASTER: Objection; foundation. Outside scope.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Do you think the number is more than 40?

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A. I would assume so.
MS. BRASTER: Same objections.
Q. (BY MR. CLARK) And do you think the number is more than a thousand?
MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. So let's go back to -- let's go back to the ACDV that that we're talking about on Ashcraft 65.
A. (Witness complies.)
Q. Let me know when you're there.
A. I'm there.
Q. Okay. And so -- and I apologize, I -- I know that we've done -- we've gone through this a few times in other depositions, but I just have to -- I have to understand some of the things that are -- that are present on this form.
So do you see there are three boxes in the middle of the page that state: Subscriber response on profile and consumer claims?
A. Yes.
Q. What -- what information goes in the consumer claims box?
A. Information that the consumer claimed was accurate.

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Q. Okay. And do you see any -- any notation -- do you see any notations in the consumer claims box on Ashcraft 65?
A. Yes.
Q. Okay. And so what -- what notations do you see?
A. That it was current. Paid current.
Q. Okay. And is that -- is information in the consumer claims box information that Experian would -- would -- would put in before it sends the ACDV to -- to Welk?
A. Yes, it can be.
Q. Okay. Can Welk put that information in the consumer claims box after it receives the ACDV from Experian?
A. No.
Q. Okay. Do you see anything in the consumer claims box that -- that indicates that Mr. Ashcraft wanted a statement of dispute added to his trade line?
A. No.
MS. BRASTER: Objection to assume facts.
MR. CLARK: Sorry, go ahead.
MS. BRASTER: Sorry. I didn't -- I just don't want to interrupt her answer because we're -- with the phone. Just objection assumes facts.

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Q. (BY MR. CLARK) Do -- do you see anywhere on the consumer claims box where Mr. Ashcraft indicated that his Welk trade line was included in his Chapter 7 bankruptcy?

MS. BRASTER: Same objection.

THE WITNESS: No, both of those statements you stated were provided to the data furnisher in the attached correspondence.

Q. (BY MR. CLARK) Okay. But they don't -- they don't appear in the consumer claims box, correct?

A. That is correct. They were sent over with the correspondence.

Q. But the consumer claims box does have an indication towards zero under the balance; is that -- is that accurate?

A. That is correct. There was also a zero balance on the account.

Q. Okay. So Experian did place portions of Mr. Ashcraft's dispute in the consumer claims box, but not everything?

MS. BRASTER: Objection; assumes fact.

THE WITNESS: That's correct. There is not a spot to add the dispute statement in the consumer claims. That's why we provided it in that correspondence, so the data furnisher can view it.

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Q. (BY MR. CLARK) Is the ACDV form used here the form used by all consumer reporting agencies?

MS. BRASTER: Objection to foundation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Is -- do you know if this is a form that Experian devised?

MS. BRASTER: Same objection.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. The -- is there anywhere on the consumer claims box where Experian indicates that Mr. Ashcraft is disputing the -- the late payments in May and June of 2011?

A. Yes. That is where it states "paid current".

Q. Okay. And where are you looking? And to be clear, I was looking at the consumer claims box. I wasn't -- oh, I see what you're saying. Paid current.

Okay. And so by "paid current" Experian meant to convey to -- to Welk that -- that there was -- that there was no -- that there was no prior late payments on the account?

A. Experian conveyed that there were no late payments on the account.

Q. Okay. So -- and that's what paid current means?

A. Yes. The status already was paid. And the

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current after it conveys that there were no late payments on the account.

Q. Okay. So -- so it would never be the case that an account would say paid current if there were late payments that had been entered previously, but the account had been -- been brought current at a later time?

MS. BRASTER: Objection to vague, speculation.

THE WITNESS: If it states "paid current," that means it was paid and never late.

Q. (BY MR. CLARK) Okay. So -- so the word "paid" means never late?

A. No.

Q. Does the word "current" mean never late?

A. In this scenario on the ACDV under consumer claims it does mean that.

Q. Okay. And the -- and is there -- is there an internal -- is -- is the word "current," is that like -- because to me the word "current" doesn't mean never late. So I'm assuming that that's some kind of internal Experian code for -- for never late?

A. The phrase "paid and current" would mean never late.

Q. Okay. Well, the phrase here is "paid current"

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it's not paid and current; is that fair to say?
A. My apologizes. I didn't mean to put "and" in the middle of those two words.
Q. No worries. I just want to make sure. Because we're talking about a very granulated statement. I'm not trying to put words in your mouth. I just want to make it absolutely clear.
Okay. So -- so is -- is paid current an Experian code for -- for reporting the information the consumer's claim is never late?
A. I -- I guess it could be called a code. I'm not exactly sure what the name for it is.
Q. Okay. Am I -- I mean code or terminology, is that sort of the same -- is terminology maybe a better word?
A. Okay.
Q. Well, I'm asking you. I just want to make sure that you understand what I'm trying to get at.
A. Yes.
Q. Okay. And so where in the policies and procedures would we find evidence of terminology which indicated that "paid current" as reflected on this consumer claims box means paid and never late?
A. I do not know. I would have to look through the participant guide to see where that is listed.

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Q. Okay. So it would be -- it would be included in the participants guide, you believe?
A. I would have to look through there to see.
Q. Would it be included on any other document we've looked at which is not a participants guide?
A. I'm not sure. I would have to look through the documents and see if it's listed there.
Q. Okay. How -- how -- so Experian put this consumer claims "paid current." How would Experian know that Welk would know that paid current means paid and never late?
A. I do not know.
Q. Okay. Is there -- is there a uniform system of reporting disputed information that -- that Experian and data furnishers use to resolve consumer disputes?
MS. BRASTER: Objection to foundation.
THE WITNESS: There is Metro 2 Reporting that data furnishers use when conveying information with Experian.
Q. (BY MR. CLARK) Okay. Is the notation "paid current" included along the terms listed in Metro 2?
MS. BRASTER: Same objection.
THE WITNESS: I do not know. I would have to review the documents that we looked at earlier in detail to find out the answer for you.

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Q. (BY MR. CLARK) Okay. Would -- aside from Metro 2, would there be any other -- any other means by which Experian would know that Welk would know what it meant? And by "it" I mean Experian -- when Experian said paid current?

MS. BRASTER: Objection to foundation. Calls for speculation.

THE WITNESS: There could have been training with Experian and Welk. I am not sure. I am not privy to that information.

Q. (BY MR. CLARK) I understand. Aside from training and Metro 2, can you think of any other way that Welk would know?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. Now let's talk about the training a little bit. When you say when training -- and I understand you may not know the particulars of the training that Welk provided -- or Welk was provided by Experian. But do you know enough about it to be able to say that that might be something that happened.

In -- so -- so let me ask you a general.

In general what kind of -- what kind of training does Experian provide to data furnishers about codes that it would -- that it would have provided on

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ACDVs for the purpose of review?

MS. BRASTER: Objection, outside the scope. Speculation. Foundation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. Do you recall any such training that -- that -- that you know have occurred in the past?

MS. BRASTER: Same objections.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) So may I ask what -- what is your basis for -- for thinking that there may have been a training provided from -- by Experian to Welk regarding information contained on the ACDV that Experian sent to Welk?

MS. BRASTER: Objection to the extent that it misstates her testimony.

THE WITNESS: I have previously heard that there are trainings between the credit reporting agency and the data furnishers.

Q. (BY MR. CLARK) And How did you hear that?

A. I do not remember.

Q. Do you know when you heard it?

A. I do not know.

Q. Do you remember in general when you heard it?

A. I do not know.

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Q. Do you remember who told you?
A. I do not know.
Q. Do you -- do you remember any details of the trainings that were provided?
A. No.
Q. That you heard about?
MS. BRASTER: You might want to repeat it. I don't know if he heard you.
THE WITNESS: No.
Q. (BY MR. CLARK) Okay. Would Experian have a record of trainings that it provided to data furnishers about information that it contains on ACDVs that it sent to the data furnishers?
MS. BRASTER: Objection; speculation. Foundation. Outside the scope.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Do you know if Experian charges for those -- for those trainings?
MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. Do you know when in the course of Experian's business relationship with a data furnisher it would provide those trainings to the data furnisher?
MS. BRASTER: Same objections.

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THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. All right. Have you ever conducted any -- any trainings along the lines that we just discussed?
A. No.
Q. Do you know anybody who has?
A. I do not know.
Q. Okay. So in the course of your work with Experian since 2004 you're -- you're not aware of anybody who has conducted any trainings for any furnisher regarding the information that Experian provides on its ACDVs that it sends to furnishers after Experian receives a consumer dispute?
MS. BRASTER: Objection, outside the scope. Foundation. Speculation. Asked and answered.
THE WITNESS: I do not know the names of the people that have conducted trainings with the data furnishers.
Q. (BY MR. CLARK) Okay. Do you remember their job titles?
MS. BRASTER: Same objection.
THE WITNESS: I do not know their job titles.
Q. (BY MR. CLARK) Okay. All right. Moving from the consumer claims box. Let's look at the on profile

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box, which is the second one. Do you see that?
A. Yes.
Q. And what's the -- what's the on profile box?
A. This is basically the information as to how the account was appearing on the credit file at the time of the dispute.
Q. Okay. And that says the -- under the trade information -- under the account condition it says paid "del 60." Do you see that?
A. Yes.
Q. And so what does that mean?
A. That it was paid in full and at the time it was paid in full it was being reported by Welk as 60 days delinquent.
Q. Do you see under -- let me ask you this. Under the -- well, actually, strike that.
Let's see. And do you see a date last paid that's -- that is being reported on the on profile?
A. Yes.
Q. And when -- when -- when is that date?
A. April 20, 2011.
Q. What does date last paid mean?
A. It is the date Welk is stating they received a payment on the account the last time.
Q. Okay. And let's see. And looking at the

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subscriber response box to the -- that far right box of those three. What is the subscriber response -- response box?

A. Basically that is the information that the data furnisher responded back to in response to the ACDV that was sent to them for the dispute.

Q. Okay. Do you see that there's a -- there's a box that says "account status/rating"?

A. Yes.

Q. And there's a number that says 89 in there. Do you see that in the subscriber response?

A. Yes.

Q. What does 89 mean?

A. I believe that is a code that stands for creditor received deed.

Q. Okay. And below that you see a box that says "payment rating," right?

A. Yes.

Q. And what -- and there's a number in -- in the subscriber's response. Do you see that?

A. Yes.

Q. And what is that -- what does that describe? What is that payment rating -- what is -- and that -- that says the number -- sorry. Strike all that. I got ahead of myself.

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And -- and that's the number four, right?
A. Yes.
Q. And what does the number four represent in payment rating box?
A. As I sit here today, I don't know. I do not have all of the codes memorized. And this is one that --
Q. Okay.
A. -- I don't have memorized off the top of my head.
Q. That -- that's -- that's completely fine. Would any of the documents that we looked at before we took our lunch break help you to figure out what payment rating -- what that number four means?
A. Yes, they might. I would have to look through them and see.
Q. Okay. And if -- if you wouldn't mind, I -- I -- I would appreciate that. I would like to get some clarity on that. So do you think it would be one of the later exhibits that we'll -- where we talk about the E-Oscar codes and account history codes and those kinds of things? That might cut down on the number of pages you have to look at.
A. It could be in there. Or it could be in the ACDV participant guide.

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Q. Okay. So if -- if you wouldn't mind, could you look at -- can you look at, I guess, Exhibit 4 which is the ACDV guide and then Exhibits 10 and 11 -- I'm sorry 9 to 11, which were -- which had a number of dispute codes listed. I think that might be where we need to look. But if you wouldn't mind looking, I would like to -- I would like to try to figure that out.

A. Yes.

MS. BRASTER: Miles, just give us a second. We're going to go through them and pull the ones you just referenced.

MR. CLARK: Sorry, Jen?

MS. BRASTER: We're just going through right now and pulling the exhibits. They're just stacked catty-corner so I'm just going through right now and finding them.

MR. CLARK: Got it. Okay. Yeah. Sorry for this. I just -- you know, I want to make sure that she can look anywhere that she thinks it might be there.

MS. BRASTER: No. Understood. Okay. So here is four.

THE WITNESS: Thank you, ma'am. (Looked at document.)

MS. BRASTER: I'll just put these here, Anna. There's eleven and there's ten.

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THE WITNESS: Thank you. (Looked at documents.)

Q. (BY MR. CLARK) Anna, and I -- you know, I don't want to short-circuit your search. Take as much time as you -- as -- as you wish. I did find on Exhibit 11 a list of account conditions which has No. 89. And it has -- below it has something called 25 month payment history, which has the number four. So I don't know if that helps you at all or whether you want to continue searching or whether I'm just barking up the wrong tree. But I thought I'd point that out.

A. I -- I think it might be inaccurate. Can you tell me where you're looking? Is it -- next to the number four does it 120 days late?

Q. It does, yes.

A. Yeah. I think that's a -- that's a different code for the history.

Q. Okay.

A. Thank you.

Q. Okay. Just want to see if -- okay?

MS. BRASTER: Miles, I don't want to testify but could -- if you want to know which numbers, I think I might have found the page. I could be wrong myself.

MR. CLARK: You know what, Jen, I'll

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stipulate to -- if you're helping us cut short it, that -- that I will not considered this to be testifying for the witness.

MS. BRASTER: Sure. And -- and again, I might be incorrect here. But she was on 401.

THE WITNESS: Uh-huh.

MS. BRASTER: And there's a four there. I don't know if that's the right one.

THE WITNESS: Well, there's a couple of fours there and -- and -- so -- and I'm going to -- I think I have it as -- I'm not sure yet. Just let me keep looking.

MR. CLARK: Sure. Yeah. Of course. I didn't want to interrupt you. I just thought, you know, I was just trying to --

THE WITNESS: Thank you. I want to make sure I get the right one.

MS. BRASTER: It's a little easier looking on my computer when I can do "control find." So...

THE WITNESS: Yeah.

MR. CLARK: Fantastic.

THE WITNESS: (Looked at document.) I believe that it stands for a closed, inactive account.

Q. (BY MR. CLARK) And -- and to -- to form your belief are you looking at 401 on Exhibit 4?

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A. Yes.
Q. Okay. Okay. Thank you very much.
And -- and if something else occurs to you, obviously, the number four is fairly generic. And we have --
A. Yes.
Q. -- as we've seen -- we've seen it in a few different contexts. But if -- if -- if for some reason you have a -- a different thought on that later, just let us know.
A. Yes.
Q. Okay. So -- okay. So -- so to the best of your knowledge, a four in that payment rating box would mean a -- a closed and inactive account?
A. That is correct.
Q. Okay. So let me -- let me ask you this. The -- I -- I see that on the account condition status and the account status rating, those are different boxes on the subscriber response box. Do you see that?
A. You said which two boxes are different, I'm sorry?
Q. Sure. Let me ask you this. So on the subscriber response box there are separate lines separating the account status rating that we talked about with an 89 and the payment rating where we talked

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about the number four. Do you see that?
A. Yes.
Q. Okay. With the account status rating can -- is there any account status for -- included in Chapter 7 bankruptcy?
A. That would be listed a couple of boxes down where it says CII.
Q. Okay. And so account status rating, that -- there's no way for -- there's no number that -- that's -- that anyone could -- could put in that would designate the fact that an account was included in a bankruptcy; is that -- is that what you're saying?
A. I am not sure. I would have to look through all the account status codes to see. But I do know that the bankruptcy information on an ACDV is provided in the CII box.
Q. Okay. Let's see. So let's see. If we look back through Tab 11 at -- so we found -- we found 89 on Ashcraft 1037 on Exhibit 11, right?
A. We found 89 -- where did you state?
MS. BRASTER: Sorry, Miles. Anna was just asking. You said 89 was on 1037. She was just inquiring, is that what --
Miles?
Let's go off the record for a second.

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(Pause in proceedings)

MS. BRASTER: Back on the record.

MR. CLARK: Thank you.

MS. BRASTER: And I'm sorry and I don't know when you dropped off. But I -- I -- Anna had asked the inquiry is -- did you say that you saw 89 on 1037? I think we're a little lost.

MR. CLARK: Yeah. That -- that was the last question I had asked.

THE WITNESS: Yes, I do see the code 80 -- 89 on 1037.

Q. (BY MR. CLARK) Okay. And that's -- the account condition is deed in lieu?

A. Yes.

Q. Okay. And above -- above that code it says -- in red it says "account condition continued." Do you see that?

A. Yes.

Q. And so if we look at Ashcraft 1036, does that look like the first page of the account conditions that are continued on Ashcraft 1037?

A. Yes.

Q. Looking through the codes listed there, do you see a -- a code listed as E?

A. Yes.

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Q. And what -- what is the account condition listed next to E?

A. Discharge through Chapter 7 bankruptcy.

Q. Okay. And is this also a -- could the code E have been included in the -- in the payment rating box? Or sorry, in the -- in the -- in the account status rating box where the number 89 already occurs in the subscriber response box on that ACDV that we're talking about on Ashcraft 65?

A. I believe so.

Q. So what -- so let me -- let me ask you this: On the on profile history grid, does it look like the account status rating and payment rating boxes are combined?

A. It looks like there's not a line. I don't know why that is.

Q. Could -- can Experian actually tell the data furnisher -- so I guess the question is: How would Experian communicate with the data furnisher the account status rating and the payment rating in the ACDV that it sends to the data furnisher?

A. In this scenario it sent that as the condition paid delinquent 60 because that encompassed everything.

Q. Does paid delinquent 60, does that -- does that indicate that the -- that the creditor received a deed

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in lieu?
A. No, that is not what Welk was reporting. It means --
Q. Okay.
A. -- that it was paid and at the time of payment it was 60 days late.
Q. Okay. Is -- is -- is -- is paid del 60, does that indicate that the account was -- was closed?
A. It does. Because it states paid in full. That also means closed for this type of account.
Q. Sorry, you -- you say it says "paid in full." Where do you see it says paid in full?
A. I'm sorry, I -- I just have the understanding that it's paid in full because it says "paid."
Q. Okay. So in -- when -- when Experian paid, what it means is paid in full?
A. That is correct.
Q. Okay. So the on -- so the on-line profile history grid it's being reported to Welk that the account was paid in full, but it was also delinquent 60 days?
A. That is what Welk was reporting.
Q. Okay. And is that the information that Experian communicated to Welk when it sent the ACDV to Welk?

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A. That is the information Experian stated we had on the file at that time.
Q. Okay. Going back to the consumer claims box. So is there anywhere on the consumer claims box that -- that indicates that Mr. Ashcraft believed the account was included in his Chapter 7 bankruptcy?
A. No. That information was conveyed in the document attached to the ACDV.
Q. Okay. If it -- and -- and looks like there's no line between the account status rating and the payment rating on the consumer claims box like there is in the subscriber response box; is that fair to say?
A. Yes.
Q. So there would have been no way for Experian to put in an account status rating the code -- the code of E for bankruptcy -- discharged through Chapter 7 bankruptcy?
A. I do not know why there's not a line there.
Q. Does it say -- let me ask this: In -- in -- in the course of your work for Experian have you had occasion to look at other that ACDVs and ACDV responses that Experian had sent to a data furnisher and received a response for?
A. Yes.
Q. In your experience does -- is there -- is there

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ever a line between the account status rating and payment rating codes on the consumer claims box?
A. I can't think of that off the top of my head.
Q. Okay. How about on the on profile box?
A. I do not know right now.
Q. Okay. So -- okay. Okay. Thanks. So let's see. In -- in -- in the subscriber response box do you see that there's -- there's a listing for original delinquency date?
A. (Looked at document.) Yes.
Q. And what is that date?
A. That is the date that Welk is stating they have in their system for the original delinquency date.
Q. Okay. And I had represented to you earlier that Mr. Ashcraft filed his bankruptcy on April 29, 2011. Do you recall that?
A. Yes.
Q. Okay. And -- and April 20th is different than April 29th, right?
A. Yes.
Q. And then below on subscriber response box do you see a -- do you see a date that says "closed date"?
A. Yes.
Q. And what is closed date on the subscriber response?

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A. That is the date Welk is stating the account was closed.

Q. Do you recall that I represented to you that the -- that Mr. Ashcraft received his bankruptcy discharge in August of the 2011?

A. Yes.

Q. And do you recall that -- that the public records section of Mr. Ashcraft's March 15, 2016, disclosure it indicated a bankruptcy -- Chapter 7 bankruptcy discharge date of August 2011?

A. Yes.

Q. Let me ask you in -- in general. If -- if Experian provides -- well, actually no.

If -- if the subscriber response box on an ACDV response is blank when Experian is reporting different information, does -- does Experian re-report the information that it has on its on profile?

A. Can you repeat the question?

Q. Sorry. That didn't come out quite the right way.

Let's -- let's -- let's take a concrete example. On the on profile history grid it says: Paid delinquent 60, correct?

A. Yes.

Q. And on the subscriber response box that -- that

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field is blank. Do you see that?
A. Yes.
Q. Would Experian -- if -- if -- if the subscriber response box is blank, does Experian just re-report that information?
A. I believe so.
Q. Okay. And is that true for any information that -- that the subscriber leaves blank, if there's already information on Experian on profile grid?
MS. BRASTER: I'm sorry. Can you repeat -- Madam Court Reporter, can you read that?
THE REPORTER: (Read back.)
MS. BRASTER: I'm just going to object to vague.
THE WITNESS: That is my understanding.
Q. (BY MR. CLARK) Okay. Let's look below the -- the -- those three boxes in the on file history grid. Do you see that?
A. Yes.
Q. Okay. And what is the on file history grid?
A. It is the monthly payment history of the account that was displaying at the time of the dispute.
Q. Okay. And on -- the -- do you see to the right side of that there's a response history grid?
A. Yes.

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Q. What's the response history grid?
A. That is the monthly payment history of the account provided by the data furnisher at the time of the ACDV response.
Q. And on this response history grid that -- that -- that -- there's nothing in that response history grid. Do you see that?
A. Yes.
Q. Okay. So Experian would have re-reported everything from the on file history grid after it -- after -- sorry. Strike that.
So Experian would just simply re-report everything from the on file history grid because it did not receive -- because there's no other entry in the response history grid?
A. Yes.
Q. Okay. So let's look at that on file history grid. So do you see there's a one on -- for May 2, 2011?
A. Yes.
Q. Does that mean -- does that one mean 30 days late?
A. Yes.
Q. And what about the two in June 2011?
A. That is 60 days late.

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Q. Okay. What about the D from -- from July -- on July, August, September of 2011?

A. That is no data provided.

Q. And rest of those --- everything after October 2011 is blank?

A. Yes.

Q. Okay. So let's look -- let's look now at -- at Ashcraft -- let's see. 68 through 71.

A. I'm there.

Q. Is this that May 15, 2016, report of reinvestigation that Experian sent Mr. Ashcraft that we were talking about earlier this morning?

A. Yes.

Q. Okay. And so do you see on Ashcraft 68 there's -- there's a -- there's a -- there's a box -- there's a line that says "dispute results" on the left-hand side?

A. Yes.

Q. And do you see underneath that this summary shows the revision made to your credit file as a result of our processing of your dispute?

A. Yes.

Q. Okay. And under the -- on -- on the third column do you see there's a box that's -- there's a line that says results?

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A. Yes.
Q. And below that there's a -- there's a -- a -- a line that says credit items?
A. Yes.
Q. Do you see that Welk Resort Group account listed under the credit items?
A. Yes.
Q. And what's the outcome of -- of -- of the reinvestigation as Experian characterized it?
A. Updated.
Q. Okay. And so let's -- let's go to the -- let's go to Ashcraft 59.
A. (Witness complies.) Yes.
Q. Okay. Do you see that Welk Resort Group account that Mr. Ashcraft disputed?
A. Yes.
Q. Okay. And so do you see those -- there -- there's still those -- 30, 60s on May and June of 2011 reported on the payment history?
A. (Looked at document.) Yes.
Q. Do you see under the status it says the creditor received deed?
A. Yes.
Q. What does creditor received deed mean?
A. It means it was a deed in lieu of foreclosure.

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Q. Okay. So the suggestion here is that -- is that instead of foreclosing on the -- on -- on Mr. Ashcraft's property the -- Welk accepted a deed -- a deed?
MS. BRASTER: Objection to foundation. Speculation.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. Because -- and so the -- the status when it says: Creditor received deed, that's how a -- a -- that's how a status of 89 gets reported on an Experian trade line?
MS. BRASTER: Same objections.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. And then what is the -- what is the date on -- is -- is there a notation in the payment history that indicates when the creditor received the deed?
A. Yes.
Q. And what is that -- when -- when did that occur?
A. Payment history shows May of 2016.
Q. Okay. And -- and that's -- is that the entry that says CRD?
A. Yes.
Q. Okay. Do you see anywhere in here that

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indicates that this account was included in Mr. Ashcraft's Chapter 7 bankruptcy?

A. No.

Q. And going back to -- going back to Experian 65. I want to ask you about the -- I wanted to ask you about the -- the deed that's -- that occurred on the on file history grid. Because I think we had talked about the fact that the last deed was in September of 2011. Did we not?

A. Yes.

Q. So -- but it looks like from the payment history on Experian 69 that there's no data reported from -- from -- let's see. From July 2011 all the way through April of 2016. Do you see that?

A. Yes.

Q. So why would Experian fill in the rest of this information with no data even though the on file history grid had -- had the last deed from September of 2011?

MS. BRASTER: Objection, assumes facts.

THE WITNESS: Because in Welk's ACDV response they did not provide any data for those months. But they did respond with a creditor's deed. And Experian's logic is built to where we add no data for each month, as we were not provided any data.

Q. (BY MR. CLARK) Okay. So looking at the

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subscriber response box is -- how would -- how would Experian figure out when to -- when to determine that creditor received the deed?

A. Experian would figure it out by looking at the balance date that the data furnisher is required to respond back with. In this case they did not provide the required balance date, so Experian adds the ACDV response date.

Q. I see. So Experian -- so Experian basically said that we don't have the balance date, we can't figure it out, but based on the ACDV response date we're going to put that information in -- in as -- as the -- as the -- the date of -- of the -- that the creditor received the deed; is that fair to say?

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: The data furnisher is required to respond back with a balance date when they provide the account status and they did not and Experian used the ACDV response date.

Q. (BY MR. CLARK) Would that be Experian's policy to use the ACDV response date in a circumstance where the data furnisher did not provide a balance date in their ACDV response?

A. I know that's what Experian does. I'm not sure

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if it's only Experian's policy, but I know that that's the case.

Q. Okay. Yeah. And I'm not asking about anybody else but Experian. I'm just wondering if that what's Experian does as a matter of course when it gets an ACDV that looks like that.

A. Experian does that.

Q. Okay. And on the subscriber response box in the -- on Ashcraft 65 I actually do see a balance date reported there of 5/16/2016. Do you see that?

A. Yes.

Q. So did Experian put that information in the subscriber response box?

A. Yes. Because the balance date was not provided as is required when they provide that account status.

Q. Okay. So -- so the subscriber response box actually doesn't comprise information that the data furnisher actually sent to you; is that fair to say?

A. Not in this case for the balance date.

Q. Okay.

MS. BRASTER: Object to the extent it misstates her testimony.

Q. (BY MR. CLARK) Is there --

MR. CLARK: Sorry, Jen. Do you have an objection?

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MS. BRASTER: I have just to the extent it misstated her testimony. Again, I just didn't want to interrupt in the middle of her answer.

MR. CLARK: Sure. Thank you.

Q. (BY MR. CLARK) So how do you -- how do you know that Welk did not provide a -- a balance date? Is there another document that you're looking at to make that determination?

A. No.

Q. Okay. So how do you know that -- okay. So it's just -- so if we looked at a D/R Log it wouldn't tell us that -- that -- that -- that information?

A. One second, I will review.

Q. Sure.

A. The DR does not show that Welk's -- Welk responded back with a balance date.

Q. Okay. So how do you know that Welk didn't provide a balance date in its -- in its ACDV response?

A. It does not appear on the D/R Log and I do know from training that if they don't provide a date, we do use the ACDV response date, as in this case.

Q. Okay. I -- I'm just trying to figure out -- because when I look at the subscriber response -- I think we talked about the fact that -- that that's information that Experian gets back from the data

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furnisher. So I'm trying to figure out, you know, how -- how we would know that -- that information isn't, in fact, provided by the -- by the subscriber, that it's actually provided by Experian. And so I guess my question then is: Would we be able to look at each piece of information on the subscriber response box and match that up to something on the D/R Log to be able to determine that -- that the -- the -- the -- that particular item in the subscriber response box was actually added by Experian, but not added by -- by Welk?

A. I do not know. I know that the balance date is the one item that Experian has to put in when the data furnisher does not provide the required balance date in their ACDV response.

Q. Okay. And so if -- so if -- if the subscriber response is just blank, then Experian would -- would then insert the balance date, which would be the date of ACDV response; is that fair to say is?

MS. BRASTER: Objection to extent it misstates her testimony.

THE WITNESS: If the subscriber responds with a different status than we previously had, then they are required to provide a balance date for that status. And in this case they did not, so Experian used the ACDV response date.

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Q. (BY MR. CLARK) I see. So -- so let me -- let me see if I understand that. So if -- in the event that the -- that the data furnisher provides a different status, would -- which -- which box would we be looking at the -- in the subscriber response box that indicates a different status?
A. The box that says "account status/rating."
Q. Okay. And so in this case it looks like Farmers (sic) did provide an account status/rating that was different than what was on the on profile?
MS. BRASTER: Miles, Welks?
MR. CLARK: Oh, yes. Sorry.
THE WITNESS: Yes.
Q. (BY MR. CLARK) Okay. And so because Welk provided a different -- a -- a different status but did not include the balance date, Experian used the date of the ACDV response as the new balance date?
A. Yes.
Q. Okay. Turning back to the on profile -- the on file history grid. You had said that Experian's logic was such that -- that it would just continue to report the no data up until the time that -- of the new balance date. Did I -- did I hear you correctly?
A. Yes.
Q. Okay. So if -- if, for example, the account

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was reporting as -- in this case the account reporting as no data on September of 2011, correct?
A. Yes.
Q. Okay. And if the account had been reporting two as of June -- as it did in June 2011, if -- if -- if there was -- if we had a circumstances like the one that we're confronted with here where Experian updated the account with the new status as of the balance date of ACDV response, Experian may continue the report two all the way from June 2011 through May of 2016; is that fair to say?
MS. BRASTER: Objection to vague. Speculation.
THE WITNESS: No. Experian would --
MR. CLARK: Okay.
THE WITNESS: -- report no data for those months because it hasn't been provided with data for those months.
Q. (BY MR. CLARK) Okay. So -- so -- so the -- so Experian would, regardless of what the account condition was in the last month that there was any reporting on the on file history grid, Experian would report no data for the months in which it had nothing on the on file history grid?
MS. BRASTER: Same objections.

THE WITNESS: If it was not provided with the 60-day late information for the following months, Experian would report no data, as it was provided with no data for those months.

Q. (BY MR. CLARK) Okay. My question is slightly different. Maybe -- maybe we're talking about the same thing, but I just want to make sure. Let's assume that the deeds on September, August and July of 2011 did not exist. Okay?

A. Okay.

Q. And -- and so the last -- the last entry on the on file history grid would have been June of 2011, okay?

A. Yes.

Q. And -- and in June of 2011 the account was reporting as 60 days late, correct?

A. Yes.

Q. So if -- if Welk had provided the account status rating of 89, but did not provide a balance date in its ACDV response and the balance date was -- as it is here -- 5/16/2016, what would Experian have entered in the months from July of 2011 to May 2016 when it was using its logic to fill in the dates in between the date of last reported and the date of, then, the new balance date.

MS. BRASTER: Objection; speculation.

Vague.
THE WITNESS: Experian would report no data for each month, as we were not provided a data for any of -- any data for any of those months.
Q. (BY MR. CLARK) Okay. And would -- would that be true if the last entry on the on file history grid was charge off?
MS. BRASTER: Same objections.
THE WITNESS: I -- I believe so.
Q. (BY MR. CLARK) Okay. And that would be for -- for any -- any account condition, it would be -- it would be no data, wouldn't matter what the condition was?
MS. BRASTER: Same objections.
THE WITNESS: I believe so. If no data is provided for those months leading up to the balance date that you stated we didn't receive, so we had to -- to input the ACDV response date, no data would be added to the box for each month leading to that balance date.
Q. (BY MR. CLARK) Okay. So did Welk report in its subscriber response -- we were talking about the close date of 8/29/2011, right?
A. I see that.
Q. Is that a date that Welk reported?
A. Yes.

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Q. Okay. And how do you know that?
A. Because it's in their ACDV response. It is not the balance date the creditors were required to write back and provide.
Q. Okay. So -- so the balance date isn't something that Experian would have -- would have updated itself, right?
MS. BRASTER: Sorry. Can you repeat that question?
MR. CLARK: Yeah. Sure.
Q. (BY MR. CLARK) So the balance date -- yeah. That came out the wrong way. I got that one mixed up.
So unlike the balance date, the close date is not a -- is not a field in the subscriber response that Experian would update itself. It would -- it would depend entirely on the furnisher; is that fair to say?
MS. BRASTER: Objection to the extent it calls for speculation.
THE WITNESS: Yes.
Q. (BY MR. CLARK) And it looks like in this case Welk listed the close date as 8/29/2011, right?
A. Yes.
Q. So let's see. 5/16/2016 is almost four years after the date that -- that Welk reported the account as closed, right?

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A. It is almost four years you said after?
Q. Almost five. Almost five years after the date that Welk reported the account as closed?
A. Yes.
Q. Okay. So why would -- if the data furnisher was telling you that the account was closed in August of 2011, why would Experian think that there was a balance due for almost five years after that point?
MS. BRASTER: Objection; foundation and speculation.
THE WITNESS: Experian did not state that there was a balance due. The balance shows zero.
Q. (BY MR. CLARK) Okay. That wasn't my question. My question was the -- the status on the -- on the account, the account says closed in 2011, but the balance date is 2016, right?
A. Correct.
Q. Okay. And that's almost five years after the -- the date of the -- of the -- the date the account was closed as Welk had put it?
A. Yes.
Q. And April 2016 is the month that Experian reported that Welk received the deed in lieu?
MS. BRASTER: I'm sorry, what month did you say, Miles?

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MR. CLARK: I'm sorry. May of 2016.

THE WITNESS: The balance date was filled in with May 16th of 2016 since Welk responded back with an account status that was different than before and they were required to provide a balance date. Because they did not, Experian used the ACDV response date.

Q. (BY MR. CLARK) Did -- could Experian have contacted Welk after it received Welk's response to ask them what the balance date should be?

MS. BRASTER: Objection; speculation.

THE WITNESS: Yes.

Q. (BY MR. CLARK) And did it do so?

MS. BRASTER: Same objection.

THE WITNESS: No. This was an automated ACDV response and there was no phone call, according to my records, looking at this ACDV response.

Q. (BY MR. CLARK) Okay. And -- and to derive that conclusion that this was an auto ACDV issue, are you looking at the -- the D/R Log on -- at Exhibit 3 on page 98?

A. Yes.

Q. Okay. Let me ask you this: Is the decision to make an account subject to auto ACDV processing a decision that is made before or after the ACDV is sent to the data furnisher?

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MS. BRASTER: Objection to foundation. Outside scope.

THE WITNESS: I'm not sure if it's before or after. It could be either. I cannot answer that.

Q. (BY MR. CLARK) Okay. When you were a customer -- and I'm going to butcher the term again. But the -- would -- and so correct me if I'm wrong.

When you were a customer dispute agent -- I'm talking about first job you had with Experian starting in May of 2004. You -- you -- you stated that -- that you sent ACDVs to data furnishers, right? Or you -- you directed the system to send it, I guess would be a fairer statement.

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: I would input the dispute as a consumer provided. And then if an ACDV was required, if we had to contact the data furnisher, that would be sent out.

Q. (BY MR. CLARK) Okay. During the course of your -- your -- your employment in that role, did you ever designate a -- a dispute as subject to auto ACDV processing?

MS. BRASTER: Objection to foundation.

THE WITNESS: No.

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Q. (BY MR. CLARK) And was auto ACDV processing a term you were familiar with when you were a customer -- an consumer dispute agent?
A. I don't remember if I was familiar with that term in May of 2004.
Q. Okay. When did you first became familiar with the term, to the best of your recollection? I mean here I'm asking for like -- I'm not asking for like the day or the -- you know, even the month, but just -- just a year, if you know that?
A. I don't remember.
Q. Okay. Do you think it was after 2004?
A. Yes.
Q. Okay. In your role -- in your second role at Experian, did you ever -- did you process consumer disputes?
MS. BRASTER: Objection to vague.
THE WITNESS: Yes.
Q. (BY MR. CLARK) And when I say your role, I mean the second job you had before you -- that you testified to earlier -- before you became a -- a -- a senior legal compliant specialist or that -- that terminology of the role that you have now. Do you understand what I'm talking about?
A. Yes.

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Q. So -- and -- and -- and you were in that second role for -- between the end of 2004 and the summer of 2016; is that -- is that correct?
A. Yes.
Q. During that time did you process any consumer disputes?
A. Yes.
Q. Okay. And when you processed consumer disputes, did you ever designate a -- a response for auto ACDV processing?
A. No. When I send the disputes through, I don't designate the ACDV processing.
Q. Okay. So -- so -- so the designation of auto ACDV processing is not one that's made by the dispute agent at the beginning, but before they send the dispute to the data furnisher; is that -- as far as you know?
MS. BRASTER: Objection to foundation.
THE WITNESS: It is not made by the dispute agent.
Q. (BY MR. CLARK) Do you know who at Experian makes that decision?
MS. BRASTER: Same objection.
THE WITNESS: No.
Q. (BY MR. CLARK) Is the decision made by Experian's internal computer systems --

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MS. BRASTER: Same --

Q. (BY MR. CLARK) -- and their algorithms or?

MS. BRASTER: Same objection.

THE WITNESS: Yes, it could be.

Q. (BY MR. CLARK) Okay. Is the decision made by the algorithm after the -- Experian receives the results of -- or the ACDV response from the data furnisher?

MS. BRASTER: Objection; foundation. Asked and answered.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. But -- and so auto ACDV processing, I know we talked about this a -- a few times in other -- other depositions, just to -- to be clear for -- for this one. What -- what is auto ACDV processing?

A. It is basically that the ACDV response, the changes, if any, are made to the item systematically.

Q. Okay. And when you say systematically, what do you mean?

A. Through the system.

Q. Okay. Does any -- by the system, what do you mean? Do you mean the same system as we talked about earlier with the E-Oscar system or a different system?

A. I'm not sure if it's just one or if it's Experian's other system also. So I do not know.

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Q. Okay. Is it -- is a system that -- that is -- is a computer program or -- or some kind of nonhuman actor?

MS. BRASTER: Objection to foundation, vague.

THE WITNESS: I'm assuming the system would be as a result of a computer program, but I am not aware of the details.

Q. (BY MR. CLARK) Okay. Do you know if -- if a -- if you see the word "auto ACDV processing" on a D/R Log in response to -- to -- would -- would a human being have looked at the results of the DR -- or the ACDV, the response, that the furnisher sent or would instead the information that the furnisher reported be automatically updated to the consumer's disputed -- disputed trade line or other -- other information and then sent back to the consumer in the form of a reinvestigation without any further oversight?

MS. BRASTER: Objection; vague. Compound.

THE WITNESS: I do not remember how the question started.

Q. (BY MR. CLARK) Okay. Let me -- let me -- let me try that again.

After -- when -- when you see on a D/R Log a -- a notation, as we see here, that says auto ACDV

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processing, does -- would you expect a -- a human being to have looked at the -- the ACDV response that Welk provided before the information contained in Welk's response was placed on Mr. Ashcraft's disputed trade line and sent back to Mr. Ashcraft in the form of a reinvestigation of his consumer dispute?
A. I would expect the information to have been updated systematically.
Q. Okay. And by systematically, do you mean any -- any nonhuman actor?
MS. BRASTER: Objection to vague.
THE WITNESS: I don't understand you. Can you please repeat -- I don't know what nonhuman actor mean. If -- if that's what I heard.
Q. (BY MR. CLARK) Well, let me -- let me -- let me ask you this way: Is a dispute agent -- when -- when we're talking about a dispute agent, are we talking about a human being?
A. Yes. I was stating I don't know what actor means, so...
Q. Oh.
A. I do know what nonhuman means.
Q. Oh, I'm sorry. Yes. When -- when I say actor, I mean employee or agent of Experian.
A. So you're saying nonhuman agent or are you

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saying system?

Q. Yeah. So I'm saying -- so it's a -- a -- a nonhuman agent or employee of Experian. Or a piece of intellectual property that Experian maintains, such as a computer system.

MS. BRASTER: I'm just going to object to vague again.

THE WITNESS: And I don't remember how the question started.

Q. (BY MR. CLARK) Okay. Let's try this again. Does auto ACDV processing refer to a human being?

A. No.

Q. Okay. When -- when a -- when you see on a D/R Log that a -- a disputed trade line has a notation for auto ACDV processing, does -- does that mean that there's any human being that looks at the results of -- that Welk has placed on a -- on an ACDV response before those results from the data furnisher are sent out to a consumer on a reinvestigation report?

A. It means that any updates that were made were processed systematically.

Q. Okay. Let me ask you this: Do you recall -- I asked you before about your testimony in the Lynn Travers case. Do you recall that?

A. I recall your question about -- from this

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morning, yes.

Q. Okay. Do you recall that during the deposition in the Lynn Travers case we talked about auto ACDV processing?

A. I'm sorry, I don't recall.

MS. BRASTER: I'm just going to object. Foundation and improper question.

MR. CLARK: Okay. That's -- that's fine. And I -- Jen, I don't intend to introduce anything here. I'm trying to -- trying to figure out what her basis is.

MS. BRASTER: No, I understand.

MR. CLARK: Sorry?

MS. BRASTER: No, I said -- no, I understand.

MR. CLARK: Okay.

Q. (BY MR. CLARK) Do you -- and -- and -- and, Anna, you -- you recall that earlier in -- in the morning we talked about your -- that you had testified in a case called Selena Goodman on behalf of Experian?

A. Yes.

Q. Do you recall that during our -- during that deposition you and I had a conversation about what the -- the -- the term "auto ACDV processing"?

MS. BRASTER: Same objections.

THE WITNESS: I'm sorry, I don't remember

what we spoke about in that deposition.
Q. (BY MR. CLARK) Okay. If you saw your deposition testimony, would it -- would it refresh your recollection as to whether or not that discussion took place?
MS. BRASTER: Same objections. Calls for speculation.
THE WITNESS: Yes, if I would be given the opportunity to review my testimony from -- I don't know which one of the three you're referencing, it would -- I would be able to tell you what we spoke about.
Q. (BY MR. CLARK) Okay. And would your answer be the same if -- if -- if I were to introduce or show you -- not introduce, but show you portions of your deposition in the Lynn Travers case about auto ACDV processing, would that refresh your recollection?
MS. BRASTER: Same objections.
THE WITNESS: If I was able to review my testimony from -- again, I forget which one of the three we're referencing, I would be able to tell you what we spoke about, yes.
Q. (BY MR. CLARK) Sure. And for purposes of clarity, my -- my last line of questioning has related to the Serena Goodman deposition and the Lynn Travers deposition that we talked about earlier today. Just --

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just to be clear.
Okay. Well -- and as it turns out I -- I -- I -- I won't be introducing that -- that -- that -- that testimony here. I don't have it.
You say a little more -- it's been a discussion that's ongoing between -- between the parties as to whether or not that could be -- that could be shown. But that -- that -- that's fine. Okay.
MS. BRASTER: Miles, whenever you're at a good stopping, we've been going over an hour and a half, just so we can take a quick break.
MR. CLARK: Yeah. You know, I -- I was thinking about that. I was going to do a little bit more with the D/R Log and if I could just finish with that then. Can take a break in maybe like ten minutes?
MS. BRASTER: Is that okay?
THE WITNESS: Yes.
MS. BRASTER: That's fine.
MR. CLARK: Okay. Thanks.
Q. (BY MR. CLARK) So -- and I want to turn your attention to the D/R Log on -- on Ashcraft 98.
A. Yes.
Q. Okay. And so -- so do you see on the D/R Log there's a -- so -- first of all, let me ask you how many -- how many disputes are there listed on the D/R

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Log?

A. One.

Q. Okay. And is that dispute that we're -- the account we've been talking about today?

A. Yes.

Q. Okay. And what's the -- I believe we said earlier that the report date on the D/R Log was January 25, 2017, correct?

A. Yes.

Q. Okay. What's the -- what's date of the dispute listed below for the Welk Resort Group account?

A. May 6, 2016.

Q. Okay. So do you know -- how do you know that an ACDV was sent to Welk in this case?

A. Because the D/R Log states ACDV sent equals May 6, 2016.

Q. Okay. And do you see when the ACDV was received -- or when the ACDV response was received by Experian?

A. Yes.

Q. And when -- when did Experian receive the ACDV response?

A. May 16th, 2016.

Q. The -- so really -- and so below I see -- I see a box that looks like -- it looks sort of like the on

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file history grid, but it's -- it's -- it's cordoned off with a bunch of dashes. Do you see what I'm talking about?

A. Yes.

Q. Okay. And that -- that has -- and just to be clear, that's -- that's a box -- it appears right below a line that says LST pay DT and has a number of years listed, the years being from 2009 to 2016. So -- so we're on the same page. Do you see that?

A. Yes.

Q. And is this -- so what is the information in this box?

A. The payment history for each month.

Q. Okay. And the payment history for each month. And who put the information in that box? Was that information that was provided by Welk or did Experian put the information in?

A. The information was provided by Welk. Up until, as we talked about earlier, the no data of September 2011. And the rest of the no data information was provided by Experian because Welk responded back with a different account status and they did not respond with a required balance date and Experian provided no data, because they did not give us any data up until May of 2016. There's actually nothing in May of 2016 because that's the balance date. So we put no data up until April of 2016.

Q. I see. So if -- if Welk had reported a balance date in May of 2016, there would have been an entry in May of 2016 to reflect that?

A. I'm sorry, what was your question?

Q. If -- if Welk had reported a balance date in their ACDV response in May 2016 that would have been -- that -- that balance date would have appeared in this box that we're talking about on Ashcraft 98?

A. No. We only provide information up until the month before the month of the balance date.

Q. Okay. So -- so in this box if -- if, for example, Welk had reported the account as charged off or paid and closed as of May 2016, it wouldn't -- that information wouldn't appear in this box we're talking about?

MS. BRASTER: Objection; speculation.

THE WITNESS: That is correct. That information would not appear in that month. The only information -- the information only goes to the month before the month of the provided status.

Q. (BY MR. CLARK) Okay. So where -- where on the D/R Log would -- would Welk have provided the balance date, other than in this box we're talking about?

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MS. BRASTER: Objection to foundation. Assumes facts.

THE WITNESS: If --

MR. CLARK: Fair enough. So let me -- let me withdraw that and ask you --

Q. (BY MR. CLARK) If Welk had provided a balance date in its ACDV response, would we see a notation to that effect on the D/R Log?

A. I believe so.

Q. Okay. And if -- if there was a balance date that was provided, where would that have -- where would that have occurred?

A. I would -- I believe it would be in the fields next to the part where it states update data.

Q. Okay. Are you looking -- are you looking two lines above that box we're talking about where it says updated data equal --

A. Yes. It would be somewhere in that area. I don't know exactly where because it differs depending on what other information is provided.

Q. Okay. I'm looking -- looking above at the original data, do -- do you see -- it's -- there's a dash about a few lines from -- from the top and below that it says: Agent ID. And then below that there's -- there's -- there's a line to the original data. Do you

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see where I'm looking at?
A. I see original data equals tag-5. Is that what you're speaking about?
Q. Yes. Yes. So the -- so -- so in the original data, the two lines of text here, is -- is this original data the data that was on file at the time of the dispute?
A. Yes.
Q. Okay. And do you see a balance date listed on the original data?
A. Yes.
Q. And what is that balance date?
A. October 31, 2011.
Q. Okay. And then below do you see a line that says "bal hist"?
A. (Looked at document.) Yes.
Q. And then what does bal hist mean?
A. The balance history.
Q. Okay. And when it says all months ignored CCCCFRDT-731, 2009. Do you see that?
A. Yes.
Q. What does that mean?
A. I believe that it's -- it stands for there's no balance history showing on any month provided with this account.

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Q. Okay. And where would we see the balance history on -- on an Experian disclosure to Mr. Ashcraft?

A. I have to look and see. (Looked at document.) It would be under account history if one is provided and -- by the data furnisher.

Q. I see. So -- and the indication there was no balance history -- there was no balance history provided and -- and that's why it says all months ignored.

A. Correct.

Q. Okay. Now, below -- below that original data line, do you see that line that says "update data"?

A. Yes.

Q. And update data, what does -- what does -- what does -- what does that mean?

A. That is the data that is sent to a data furnisher requesting to be updated, as it appears here.

Q. Okay. And I see it says: Status paid current. Do you see that under update data?

A. Yes.

Q. Okay. And so that's -- that's information that Experian would have sent to the data furnisher in terms of what -- what -- what it was asking the data furnisher to submit?

MS. BRASTER: Objection to vague. Assumes facts.

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MR. CLARK: Yeah. That came out kind of wrong. I'll withdraw it.

Q. (BY MR. CLARK) The -- the update data field, does that include all the information that a consumer would have submitted in connection with their consumer dispute that was sent to a data furnisher for its own review?

MS. BRASTER: I'm sorry, can you repeat that? I apologize.

MR. CLARK: Yeah.

Madam Court Reporter, could you please read back my last question?

THE REPORTER: (Read back.)

MS. BRASTER: Object to the extent it calls for speculation.

THE WITNESS: No, there was also that mail correspondence sent to the data furnisher which provided additional details as the consumer provided in their correspondence.

MR. CLARK: Okay.

Q. (BY MR. CLARK) And where -- and where on the D/R Log does it indicate that the mail correspondence was sent to the data furnisher?

A. On the D/R Log it would be where it says INGREQ equals yes.

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Q. Okay. And so where are you looking for that? Oh, I see is it. Is that -- it says INGREQ -- I see it on -- it's the second line down after dispute?

A. Yes.

Q. Okay. And then it says ING sent equal successful?

A. Yes.

Q. Okay. So if -- if the ING sent doesn't equal successful, does that mean that the information was not submitted to the data furnisher, the mail correspondence?

MS. BRASTER: Objection to the extent it calls for speculation.

THE WITNESS: I believe so.

Q. (BY MR. CLARK) Turning back to the update data. Do you see that underneath the update data there's a most recent date 10/31/2011?

A. Yes.

Q. Okay. What does that mean?

A. That is the balance date -- date carried over from the balance date a couple of lines above that we discussed earlier.

Q. Okay. All right.

MR. CLARK: Jen, this might be a good time for a break.

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MS. BRASTER: Perfect.

MR. CLARK: We can take a break now. You want to take ten minutes or?

MS. BRASTER: I think five minutes should be fine. Five minutes should be fine.

(Break taken)

MR. CLARK: We're on the record.

Q. (BY MR. CLARK) Okay. So -- so, Anna, the -- we were talking before about the D/R Log and the -- and the ACDV response. Did -- after -- after Experian received the ACDV response from Welk, did it update Mr. Ashcraft's account, as Welk had instructed, on the ACDV response?

A. Yes. In addition to updating that balance date.

Q. Okay. And then after it updated -- and it updated that information based on auto ACDV processing, right?

A. Yes.

Q. Okay. And after the auto ACDV processing, it sent back the May 16, 2016, reinvestigation to Mr. Ashcraft?

A. Yes.

Q. And the May 16, 2016, reinvestigation sent to Mr. Ashcraft, on the Welk side, it did not -- it did not

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indicate that the Welk account had been included in Mr. Ashcraft's Chapter 7 bankruptcy, did it?

A. No. Welk did not state it was included in the bankruptcy.

Q. Okay. And if -- if Experian had known that the account was included in the bankruptcy in April of 2011, all of the post-petition payment history after April of 2011 would be suppressed; would it not?

MS. BRASTER: Objection to vague. Foundation. Speculation.

THE WITNESS: Correct.

Q. (BY MR. CLARK) All right. Let's -- let's move onto Ashcraft 72 through 87.

A. Okay.

Q. And I believe you testified earlier that this is a disclosure prepared for John Ashcraft?

MS. BRASTER: Objection to the extent it misstates her testimony.

THE WITNESS: Yes, the name on this disclosure is John Ashcraft.

Q. (BY MR. CLARK) Okay. And do you see the Welk account reported on Ashcraft 76?

A. (Looked at document.) Yes.

Q. And does that -- does the reporting on the Welk account on Ashcraft 76 look the same as the reporting on

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the Welk account on Ashcraft 51 that we've been talking about -- or I'm sorry. Not -- not Ashcraft 51. My apologies. Ashcraft 69.

A. (Looked at document.) I believe so. Okay.

Q. And on Ashcraft 74, do you see there's a public record listed?

A. Yes.

Q. And is that the same -- is -- is that a Chapter 7 bankruptcy that's listed under the public record section?

A. Yes.

Q. And is that the same public record that we were discussing earlier in connection with Mr. Ashcraft's March 2016 disclosure?

A. I believe so.

Q. Okay. Turning to Ashcraft 88 through 93 now.

A. (Witness complies.)

Q. And I'll direct your attention towards Ashcraft 88.

A. One second. I am at Ashcraft 88.

Q. Thank you. Do you see that a -- that there are three lines -- three columns of -- of texts here. I'm going to direct your attention first to the column on the -- on the far right-hand side.

Do you see where it says "the results"?

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A. Yes. The far left side, I'm sorry. I was looking on the right. I see dispute results.

Q. Yes, to the left. I'm sorry. I meant the left. My -- my apologies.

A. Yes. I see it.

Q. Okay. And then below dispute results it says: Our reinvestigation into the dispute you recently submitted is now complete.

Do you see that?

A. Yes.

Q. Going back to Ashcraft -- going back to Ashcraft -- going back to Ashcraft 68, we were talking about dispute results before on that earlier today. Do you remember that?

A. Yes.

Q. And under dispute results it says: This summary shows the revisions made to your credit file as a result of our processing of your dispute.

Do you see that?

A. Yes.

Q. So why would -- and that's different than the first sentence of -- under dispute results contained in Ashcraft 88, correct?

A. The two sentences you stated are different, correct.

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Q. Okay. The one on 88 says "reinvestigation;" does it not?
A. Yes.
Q. And the one on -- the one on 68 doesn't say reinvestigation, does it?
MS. BRASTER: Objection to vague.
THE WITNESS: I don't see the word "reinvestigation" in the first sentence.
Q. (BY MR. CLARK) What is the -- do you have an understanding of what the word "reinvestigation" means?
MS. BRASTER: Objection to the extent it calls for a legal conclusion.
THE WITNESS: I have an understanding.
Q. (BY MR. CLARK) And what is your understanding?
A. In this case it's an investigation into the account information.
Q. The investigation by whom?
MS. BRASTER: Same objection.
THE WITNESS: This investigation was conducted by Experian.
Q. (BY MR. CLARK) Okay. And did Experian conduct an investigation or a reinvestigation?
MS. BRASTER: Same objection.
THE WITNESS: A reinvestigation.
Q. (BY MR. CLARK) Okay. Would -- would a data

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furnisher conduct an investigation as opposed to a reinvestigation?

MS. BRASTER: Objection to the extent it calls for a legal conclusion. Foundation. Calls for speculation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. Are you aware that the -- that a data furnisher has some obligation to respond to consumer dispute once it's submitted through the consumer reporting agency?

MS. BRASTER: Objection --

Q. (BY MR. CLARK) If that dispute references disputed information on a -- on that furnisher trade line as being reported by Experian?

MS. BRASTER: Objection; assumes facts. Speculation. Legal conclusion.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And do you know if that -- that -- if the process by which a -- a data furnisher fulfills its obligation would be called an investigation?

MS. BRASTER: Same objections.

THE WITNESS: No, I do not know what they -- it would be called.

Q. (BY MR. CLARK) Okay. But you're aware

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there -- there's some obligation of the data furnisher to -- to respond, right?

MS. BRASTER: Same objections.

THE WITNESS: They need -- if there's a dispute that was sent to them by the credit reporting agency, I am aware that they're obligated to respond.

Q. (BY MR. CLARK) Okay. And last piece of comparison on those two dispute results sentences on Ashcraft 68 and 88. Do you see that -- that on 88 the first sentence indicates: The dispute you've recently submitted is now complete?

A. Yes.

Q. And on 68 is there any indication that the dispute results were -- were sent based on Mr. Ashcraft's dispute that he recently submitted?

MS. BRASTER: Objection to vague.

THE WITNESS: Can you please repeat the question?

Q. (BY MR. CLARK) Sure. On -- in -- in the first sentence of dispute results -- in the first sentence under the -- the words "dispute results" on Ashcraft 68, do you see the words -- do you see the word "recent" anywhere?

A. No.

Q. Okay. If Mr. Ashcraft contacted Experian

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disputing an item of information on an Experian trade line, would Experian have a record of that communication?

A. I believe that would be in the D/R Log.

Q. Okay.

A. Or any CDFs that were sent in response to that would be in the disclosure log.

Q. Okay. And we -- we talked before about the idea that the D/R Log was dated January 25, 2017, right?

A. Yes.

Q. And this -- this -- this document is -- on Ashcraft 88 is -- has -- it's got a date of February 8, 2017, right?

A. Yes.

Q. Okay. Are you aware if Mr. Ashcraft contacted Experian after he submitted his April 2016 dispute to Experian to dispute information on his -- his trade line as they appeared on his Experian credit report?

MS. BRASTER: Objection to vague.

THE WITNESS: I am aware that he did not.

Q. (BY MR. CLARK) And how do you know that?

A. Because we do not have record of another contact from him.

Q. Okay. And to -- to based -- and -- and the basis for your belief, are you looking at any document

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to -- which form the basis of your belief?
A. The disclosure log and the D/R Log.
Q. And both of those -- the D/R Log is dated January 25, 2016, right?
A. No.
Q. I'm sorry. The D/R Log is dated January 25, 2017; is that right?
A. Yes.
Q. And this -- this dispute result on Ashcraft 88 is dated February 8, 2017, right?
A. Yes.
Q. So -- so -- and -- and so sitting here today and -- and using the D/R Log as the basis for your belief, how can you come to the conclusion that Mr. Ashcraft never submitted another dispute to Experian after his original dispute in April of 2016?
MS. BRASTER: Objection; asked and answered. Vague.
THE WITNESS: I reviewed his file and I did not see another dispute after that date.
Q. (BY MR. CLARK) When you say you reviewed his file, what did you look at?
A. Mail correspondence, disclosure log.
Q. Did you look at a D/R Log?
A. I might have. I don't remember.

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Q. Okay. Did you look at the D/R Log that we've been talking about at Ashcraft 97 (sic)?
A. I have looked at that, yes.
Q. I'm sorry, Ashcraft -- Ashcraft 98. My apologizes.
A. Yes, I have looked at this D/R Log.
Q. Did you look at this D/R Log in connection with trying to ascertain whether Mr. Ashcraft had submitted any other disputes after his April 16 -- 2016 dispute?
A. Yes. That shows if he has up until January 25th of 2017.
Q. Okay. And what about -- did you look at the disclosure log that -- when you say you looked at a disclosure log, do you mean that you looked at the disclosure log that we have been talking about at Ashcraft 97?
A. I've looked at the disclosure log after that also.
Q. Okay. So when you say after that, when -- do you mean the disclosure log that was generated after January 25, 2017?
A. After that date. But I did not print one out and I don't know if that's what you mean by generated in my research.
Q. I -- I -- I -- I do and I'm just trying to

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figure out when the disclosure log was generated. And maybe we can -- we -- if you can help me out with that -- that -- that -- that would be appreciated.

Do you know when the disclosure log was generated that we've been looking at Ashcraft 97?

MS. BRASTER: Objection; asked and answered.

THE WITNESS: I have to get to that page. So one second.

MR. CLARK: Sure.

THE WITNESS: I don't know where it is. So it will be a minute. You said Ashcraft 97?

MR. CLARK: That's correct. It's on Exhibit 3.

THE WITNESS: Okay. No, there is no date on this disclosure log.

MR. CLARK: Okay.

Q. (BY MR. CLARK) Do you know when the disclosure log was generated?

MS. BRASTER: Same objection.

THE WITNESS: No. There is no date on this disclosure log.

Q. (BY MR. CLARK) Okay. Did you -- did you generate this disclosure log?

A. No.

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Q. Did you generate a -- a -- a disclosure log after -- did you -- I'm sorry. Strike that.

Did you generate another disclosure log that you looked at to determine whether Mr. Ashcraft had disputed his information with Experian after May of 2016?

MS. BRASTER: Objection; foundation. Assumes facts.

THE WITNESS: I did not generate another disclosure log.

Q. (BY MR. CLARK) Okay. So you were only looking at this disclosure log?

A. I believe so. When you state generate, I -- I'm assuming that means to print one. Because that's the only way you generate one. So...

Q. Sure.

A. So I don't know if I've looked at another disclosure log because I don't know what date this one is.

Q. Okay. Did the disclosure -- did any other disclosure log you looked at have information different than what you see on Ashcraft 97?

MS. BRASTER: Objection to foundation. Assumes facts.

THE WITNESS: I don't remember if it did.

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Q. (BY MR. CLARK) Okay. And so let's look at the -- going back to the D/R Log. That one got a report date on it, right?
A. Yes.
Q. And the date is January 25, 2017?
A. Yes.
Q. And if Mr. Ashcraft had submitted another dispute to Experian between January 25, 2016, and February 8th of 2017 -- sorry. January 25, 2017, and February 8, 2017, that would be reflected on a D/R Log?
MS. BRASTER: Objection to the extent it calls for speculation.
THE WITNESS: If there was a dispute processed after January 25, 2017, it would be reflected in a D/R Log.
Q. (BY MR. CLARK) And when you say "processed," do you mean reinvestigated or are those different things?
MS. BRASTER: Objection to the extent it calls for a legal conclusion.
THE WITNESS: It could mean the same thing.
Q. (BY MR. CLARK) Could it mean different things?
MS. BRASTER: Same objection.
THE WITNESS: I'm assuming it could mean different things since they're different words.

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Q. (BY MR. CLARK) Okay. Do you -- do you know if, in particular, whether it could mean different things as we sit here today?

MS. BRASTER: Same objection.

THE WITNESS: No, I'm very confused about the questioning. So I'm so sorry, you'll have to ask me again.

MR. CLARK: That -- that's okay. As I said at the beginning if I -- if I ask a question that you can't -- you -- you don't -- you don't understand, I would ask that you ask me to ask it again. I want you to understand my question. So absolutely.

Q. (BY MR. CLARK) Sitting here today, do you -- are you aware of any distinction between the word "processing" and the word "reinvestigation" -- "reinvestigating"?

MS. BRASTER: Objection to the extent it calls for a legal conclusion.

THE WITNESS: I think they can mean different things and also the same thing. I don't know how else to answer that question.

Q. (BY MR. CLARK) Okay. In your -- in your work -- sorry.

In your work at Experian, have you -- have you used both words interchangeably?

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A. Yes.
Q. Okay. And so looking at Ashcraft 88. It says -- we talked about the fact that it says: Our reinvestigation into the dispute you recently resubmitted is now complete.
The word "reinvestigation" of the dispute you recently submitted, what -- what does that mean?
MS. BRASTER: Objection to the extent it calls for a legal conclusion.
THE WITNESS: What does reinvestigation mean?
MR. CLARK: Yeah.
THE WITNESS: An investigation or a reinvestigation into an account information.
Q. (BY MR. CLARK) Okay. And would a reinvestigation show up on a D/R Log?
MS. BRASTER: Objection to the extent it calls for speculation. And vague.
THE WITNESS: Yes, it can show up on a D/R Log.
Q. (BY MR. CLARK) It can, but will -- will it show up on a D/R Log my -- is my question. Is there ever any circumstance in which a reinvestigation will not show up on a D/R Log?
MS. BRASTER: Same objections.

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THE WITNESS: I -- I don't believe so. If there was investigation updated or if the account was addressed or a dispute or ACDV was sent to that data furnisher, it will show up on the D/R Log.

MR. CLARK: Okay.

Q. (BY MR. CLARK) And -- but so -- so Experian sends a -- sends a document to Mr. -- strike that.

So when Experian generated this document that we've been talking about, meaning Ashcraft 88, on February 8, 2017, where it says: Our reinvestigation into the dispute you recently submitted is now complete, what was -- what was Experian responding to?

MS. BRASTER: Objection to assumes facts. Foundation.

THE WITNESS: This document was created as a result of our post-litigation procedures.

Q. (BY MR. CLARK) Okay. And it says that this is -- that -- those post-litigation procedures include a reinvestigation?

MS. BRASTER: Objection to vague and to the extent that it calls for a legal conclusion.

THE WITNESS: That's part of our post-litigation procedures.

Q. (BY MR. CLARK) Okay. And so looking on the -- looking on the next page, Ashcraft 89. Do you see under

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the results it says: We have completed the processing of your dispute?

A. Yes.

Q. Okay. And do you see two credit items listed there?

A. Yes.

Q. And one of them is that Welk Resort Group account we've been talking about?

A. Yes.

Q. And the other one is an account from Capital One Bank, USA, correct?

A. Yes.

Q. As we talked about before, Mr. Ashcraft has not disputed his Capital One bank account in his -- April 2016 dispute. Do you remember that?

A. Yes.

Q. So why does Experian include that account as -- as -- showing that account in the processing of Mr. Ashcraft's dispute?

MS. BRASTER: Objection to vague. Assumes facts.

THE WITNESS: This was addressed as part of our post-litigation procedures.

Q. (BY MR. CLARK) Okay. And -- so hang on one second. Let me just make sure. Give me one second.

So you're aware that Mr. Ashcraft filed a complaint in -- in this case, right?
A. Yes.
Q. And I think I represented to you before that the complaint was filed on December 22, 2016, correct?
A. Yes.
Q. Did you review that complaint in preparation for your deposition today?
A. Yes.
Q. All right. Did -- did you see any reference to Capital One in the complaint when you reviewed it?
A. No.
Q. And I'll represent to you that there is none. So --
But the -- you're saying that the account that -- that Mr. Welk's (sic) Experian information was updated based on Experian's post-litigation procedures, correct?
A. Yes.
MS. BRASTER: Objection to vague and to the extent it misstates her testimony.
MR. CLARK: Sure.
Q. (BY MR. CLARK) On -- on February 8, 2017?
I'm sorry, Anna. I -- I didn't know if you responded. If -- if you did, I missed it.

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A. I -- yes. I responded yes.
Q. Okay. So -- so if the complaint didn't reference the Capital One Bank trade line, why did Experian include it in its post-litigation procedures?
MS. BRASTER: Objection; asked and answered. To the extent it gets into what Experian's post-litigation procedures are, I'm going to instruct the witness not to answer as to work product.
THE WITNESS: This was addressed as part of our post-litigation procedures.
Q. (BY MR. CLARK) Okay. So you don't -- you don't know why it was addressed?
MS. BRASTER: And same caution. Asked and answered. To the extent it gets into what those post-litigation procedures are, I would instruct the witness not to answer as that is work product and privileged.
THE WITNESS: I do know that it was part of our post-litigation procedures.
Q. (BY MR. CLARK) And we did talk earlier about the fact that Equifax -- that a carbon copy reinvestigation from Equifax was submitted for a Capital One account. Do you recall that?
A. Yes.
Q. And in the dispute results provided to

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Mr. Ashcraft on -- in his reinvestigation on -- in May of 2016, the results of that reinvestigation did not include the Capital One account; is that -- is that correct? And you can refer back to Ashcraft 68 if you -- if -- if you wish.

A. Correct.

Q. Okay. Is there anything on Ashcraft 88 to 93 which indicates to -- to -- to Mr. Ashcraft or anyone else that this document was generated based on Experian's post-litigation procedures?

A. No.

Q. Looking at the -- looking at the -- the pages -- let me ask this. In -- when we were talking about the -- some of the participants guides earlier today, did you see that those pages had been marked "confidential" in the participants guide?

MS. BRASTER: Objection to vague.

THE WITNESS: I did not see that as I was looking at it today.

Q. (BY MR. CLARK) Okay. Well, I -- I mean if -- if you wish to -- for reference, you could look at Exhibit 4 and you should see a designation that says "confidential" on it, on I -- I believe each -- each page of that document?

A. Yes, I see it.

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Q. Okay. Okay. So you -- you see those designations as confidential -- that the document's been marked confidential?

A. Yes.

Q. Do you see any -- any designation on Ashcraft 88 through 93 that those pages have been marked confidential?

A. No.

Q. Do you know when Experian, if at all, provided this February 8, 2017, reinvestigation to Mr. Ashcraft?

MS. BRASTER: And objection to assumes facts. Foundation.

THE WITNESS: I do not know when.

Q. (BY MR. CLARK) Okay. Would you agree with me that there's a reinvestigation?

MS. BRASTER: Objection to the extent it calls for a legal conclusion.

THE WITNESS: Yes. That was initiated as part of our post-litigation procedures.

Q. (BY MR. CLARK) Okay. So it was a reinvestigation, correct?

MS. BRASTER: Same objection.

THE WITNESS: Yes. That was initiated as part of our post-litigation procedures.

Q. (BY MR. CLARK) And in the course of the

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reinvestigation from Ashcraft 88 to 93, did Experian send an ACDV to either Welk or Capital One?

MS. BRASTER: Objection to the extent it calls for a legal conclusion.

THE WITNESS: I'm sorry, for what pages?

Q. (BY MR. CLARK) This is -- this is that February 8th, 2017, reinvestigation on Ashcraft 88 to 90 -- 93. And the question is: Do you know if Experian sent an ACDV to either Welk or -- or Capital One before it generated the dispute results?

A. Yes, I know.

Q. Okay. So Experian -- and so did Experian send a -- an ACDV to either furnisher?

A. No.

Q. Okay. And looking at the -- looking at the Welk -- actually, if you look at Ashcraft 91 -- actually, let me back up.

How do you know that Experian did not send an ACDV to Welk?

A. I know as part of my post-litigation research.

Q. Okay. And did your post-litigation research involve looking at the D/R Log that we were talking about in -- at Ashcraft 90 -- 98?

A. Yes.

Q. Did it involve looking at any other DR logs

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that Experian may have generated after January 25, 2017?
A. That's part of my post-litigation research and procedures.
Q. Yeah.
MR. CLARK: Yeah. So, Madam Court Reporter, could you please repeat my last question?
THE REPORTER: (Read back.)
MS. BRASTER: And I will insert the objection to the extent it gets into the scope of post-litigation procedures that would be work product and I would instruct the witness not to answer.
THE WITNESS: Looking at DR logs would be part of my post-litigation procedure.
Q. (BY MR. CLARK) Do you happen to know, Ms. Simmons, if Experian has ever disclosed to -- to other plaintiffs in Nevada documents -- DR logs dated after litigation was commenced?
MS. BRASTER: Objection to the extent -- one, objection outside the scope. Two, objection to the extent that it calls for attorney/client communications. And it assumes facts.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Okay. And you've been a -- you've been a -- and forgive me. Let -- let me make sure I get the terminology right.

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You -- you're currently a senior legal and compliance specialist? Or am I getting that definition wrong?
A. That is correct.
Q. Okay. And how many other senior legal compliance specialists does Experian employ?
MS. BRASTER: Just objection to foundation.
MR. CLARK: All right. Let me back up.
Q. (BY MR. CLARK) Does Experian employ more than one senior legal compliance specialist?
A. Yes.
Q. How many more do they employ besides yourself?
A. Three.
Q. Okay. And what are their names?
A. Douglas Holland, Amanda Hoover, Carla Blair.
Q. Is Mary Nessin (phonetic) a senior legal compliance specialist?
A. No.
MS. BRASTER: Objection to outside scope.
Q. (BY MR. CLARK) Have you ever heard the name Mary Nessin before?
A. Yes.
Q. And who is Mary Nessin?
MS. BRASTER: Same objection.
THE WITNESS: She works for a different

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department. I don't work with her so I do not know her title.

Q. (BY MR. CLARK) Okay. Do you know if Ms. Nessin has ever been a senior legal compliance specialist?

A. Yes.

MS. BRASTER: Same -- same objection.

Q. (BY MR. CLARK) Sorry, I -- I -- Anna, forgive me, I missed your answer.

A. I had stated yes.

Q. Okay. Do you know what her job title is now?

MS. BRASTER: Same objection.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. Do you know was she ever a senior legal compliance specialist during the time in which you were also a senior legal compliance specialist?

MS. BRASTER: Same objection. Foundation.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. Let's look at Ashcraft 91. And this is part of that February 8, 2017, reinvestigation we've been talking about.

A. Okay. I'm there.

Q. Okay. Do you see the payment history is a little different than the payment history in the -- the

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May 2015 reinvestigation we were talking about earlier today?

A. Yes.

Q. And how is it different?

A. It states -- okay. You stated payment history. It only shows payment history to April of 2011.

Q. Okay. And under the account history is -- is that different than the May 2015 reinvestigation we're talking about before?

A. Yes.

Q. And -- and what does the account history say on -- in -- on this February 8, 2017, reinvestigation?

A. Debt included in Chapter 7 bankruptcy on April 29, 2011.

Q. Okay. Under the status do you see that entry that says "creditor received deed" anymore?

A. No.

Q. Does it -- does the status reference the bankruptcy at all?

A. Yes.

Q. And what -- what -- what does it say about that?

A. Discharged through bankruptcy, Chapter 7.

Q. Okay. It also says, slash, never late, right?

A. Yes.

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Q. Okay. And let me ask you this: Why -- why did Experian change the -- the account history to now indicate debt included in Chapter 7 bankruptcy on April 29th of 2011, on this February 8th, 2017, reinvestigation?

MS. BRASTER: And I'm just going to caution the witness to the extent it goes into attorney work product, don't answer.

THE WITNESS: This was updated as part of our post-litigation procedures.

Q. (BY MR. CLARK) And you -- you indicated that you did not reach out to the -- to Welk to obtain that information?

A. Correct.

Q. And did you reach out to anyone else to obtain that information?

MS. BRASTER: Objection to asked and answered.

THE WITNESS: I do not believe so.

Q. (BY MR. CLARK) How did Experian determine that the account was included in the Chapter 7 bankruptcy?

MS. BRASTER: And I'm just going to object and caution the witness to the extent it calls for privileged communications or work product.

THE WITNESS: This was updated as part of

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our post-litigation procedures.
Q. (BY MR. CLARK) You testified earlier that LexisNexis provides Experian's -- Experian's public record information, correct?
A. Yes.
Q. Did LexisNexis -- on February 8, 2017, did LexisNexis continue to provide public information -- public record information to Experian?
A. I -- I could assume so.
Q. Do you have any reason to doubt that that is -- that this is no longer the case?
A. No.
Q. When -- when you were reviewing the complaint in -- that Mr. Ashcraft had submitted disputing his Welk information with Experian, did you see whether there were any attachments to the complaint?
MS. BRASTER: Objection to vague and assumes facts.
THE WITNESS: Are you talking about his dispute when you say complaint?
Q. (BY MR. CLARK) Yeah. Well, I'm talk -- talking about the -- the filing made in the District of Nevada on December 22nd, 2016.
A. Oh, okay. I believe there were.
Q. Okay. You -- you -- you recall seeing

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attachments to that complaint?

MS. BRASTER: Same objections.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. And what were those attachments, if you can recall?

A. If I recall correctly, it was his mail correspondence that he previously sent to Experian.

Q. Give me one second, please. Okay. I'll represent to you -- Anna, I'm not trying to play gotcha here at all. But I'll -- I'll represent to you I'm looking at a copy of the docket in the Ashcraft case. And I'll represent to you that the -- the -- in my review of the docket, I see that the complaint was filed in -- in DCS docket one. There were three attachments.

One was a civil cover sheet. Another was the summons to Experian. And a third was the summons to Welk.

But I do not see any other attachments with it in the complaint. So -- and I know that -- I haven't introduced the complaint here so I -- I -- I understand that you looked through a lot of documents.

So with -- with those representations though -- and I'm not trying to play gotcha. I, you know, that is -- that's not the point of this.

But based on the representations that I

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made, are you sure that you looked at -- along with the complaint -- attachments to that complaint which were Mr. Ashcraft's mail correspondence?

A. I would have to look at the complaint now. I'm not an attorney so I don't always know what the titles are for the different documents filed within the courts.

Q. Okay. And -- and -- and I -- I understand that. And, like I said, I'm not trying to play gotcha here. I just -- I just -- I -- I just wanted to make sure that I understood.

But I will represent to you that in my review of the docket I did not see Mr. Ashcraft's mail correspondence, as we had described it, as an attachment to DCS docket one.

But I -- I -- I certainly appreciate the idea of looking at a lot of documents and -- and maybe getting mixed up. So I'm not -- just -- just trying to clear that up right now. But that's fine. We can -- we can move on.

So let me ask you this: We were talking about ACDVs earlier today. Do you have any idea how many ACDVs Experian sends to data furnishers in a year?

A. No.

MS. BRASTER: Objection to scope. Foundation.

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Q. (BY MR. CLARK) Do you think it's over a thousand?
MS. BRASTER: Same objections.
THE WITNESS: I would assume so.
Q. (BY MR. CLARK) Do you know how often Experian uses auto ACDV processing with respond -- in -- in connection with an ACDV response that it receives from a data furnisher?
MS. BRASTER: Same objections. And vague.
THE WITNESS: No.
Q. (BY MR. CLARK) Do you think it's more than 50 percent of the time?
MS. BRASTER: Same objections.
THE WITNESS: I do not know.
Q. (BY MR. CLARK) Do you recall that we had a conversation about the frequency by which Experian uses auto ACDV processing in the Lynn Travers case?
A. No.
Q. Okay. Would it -- would it help to refresh your recollection if -- if you reviewed that prior testimony?
MS. BRASTER: Objection to outside the scope. Improper. And assumes facts.
THE WITNESS: Yes, if I reviewed the Travers deposition testimony, I would be able to tell

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you exactly what I stated.

Q. (BY MR. CLARK) Okay. And would that also be true for the Goodman deposition we were talking about earlier?

MS. BRASTER: Same objections.

THE WITNESS: Yes.

MR. CLARK: Okay. Okay.

Jen, this a probably a good time to take a break if you want to take one or I can just keep powering through.

MS. BRASTER: I'm okay. I'm looking at Anna and the court reporter, if you guys need a break.

(Pause in proceedings)

(Break taken)

Q. (BY MR. CLARK) Anna, I know we've previously discussed some of Experian's terminology. And I'm afraid I'm going to have to go through a little bit of that -- a little bit of that again here. So I just want to -- let me -- let me -- because you testified today that certain documents were disclosures. So I just want to see if I understand that.

Is -- does Experian have a common word it uses to represent a document sent to consumers?

MS. BRASTER: Objection to vague.

THE WITNESS: Yes. It could be a CDI.

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Another document is a CDF.

Q. (BY MR. CLARK) Are those -- are those disclosures as you understand them?

MS. BRASTER: Same objections. And legal conclusion.

THE WITNESS: Yes.

Q. (BY MR. CLARK) Okay. So what is CID?

A. Consumer Disclosure Initial.

Q. And what -- what -- what -- what is -- what is a -- what does a CDI represent?

MS. BRASTER: I'm sorry. Can you repeat that again?

Q. (BY MR. CLARK) What does a Consumer Disclosure Initial or CDI represent?

A. It can contain credit information that Experian is reporting regarding a specific consumer. It could contain identification information, address information, inquiries.

Q. Does it contain all the information in the consumer's file that Experian has on that consumer?

MS. BRASTER: Objection to the extent it calls for speculation.

THE WITNESS: I do not believe so.

Q. (BY MR. CLARK) What information is not -- is not included?

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MS. BRASTER: Same objection.

THE WITNESS: I don't know everything that's not included. But the main thing would be items that are over seven years old and they're no longer appearing on the CDI.

Q. (BY MR. CLARK) Okay. But they are contained in Experian's records, right, somewhere else?

MS. BRASTER: Same objections. Assumes facts.

THE WITNESS: I do not know if all the information is always contained in Experian's records.

Q. (BY MR. CLARK) Okay. Would a CDI -- would Experian continue to maintain a record of any information that it would suppress on a payment history grid as a result of an account being included in Chapter 7 bankruptcy or Chapter 13 bankruptcy on a specific date?

MS. BRASTER: Objection; speculation. Foundation.

THE WITNESS: I don't remember how the question began.

Q. (BY MR. CLARK) Okay. Well, let's look at Ashcraft 90. And this was that Welk trade line we were talking about. Or sorry, Welk 91, which is that Welk trade line that we were talking about.

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A. Okay.
Q. And so would you agree with me that there is -- there's less payment history on -- being reported on Experian's -- on -- on the Welk trade line on February 8, 2017, then there was on the March 2016 CDI that Experian sent to Mr. Ashcraft?
A. Yes.
Q. Okay. And I think we talked about the fact that the payment history after the -- Mr. Ashcraft's Chapter 7 petition date had been suppressed on the February 8th, 2017, Welk trade line?
A. Yes.
Q. Would Experian continue to maintain a record of that suppressed post-petition information after it was -- after -- in its file after the information was suppressed?
A. I'm not sure. I know Experian can, but I'm not sure if we are maintaining a record for this person.
Q. Okay. And so if -- if -- if Experian doesn't maintain the information based on its suppression, then the information is deleted from Experian's files and Experian doesn't have any other record of it?
MS. BRASTER: Objection to the extent it calls for speculation. Assumes facts.
THE WITNESS: I don't know.

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Q. (BY MR. CLARK) What's a -- what is a Consumer Disclosure Final or CDF?
A. It is the results of a reinvestigation.
Q. Okay. And we've discussed -- we discussed two CDFs today, right? One in -- one in May of 2016 and one in February of 2017; have we not?
A. Yes.
Q. And is -- does ACDV always contain all the information that a CDI contains or can that -- can it contain less information?
MS. BRASTER: Objection to vague. And to the extent it calls for speculation.
THE WITNESS: It can contain less.
Q. (BY MR. CLARK) Okay. And under what circumstances -- would Experian -- sorry. Let me ask the question this way.
Does Experian have a different name other than ACDV for -- for a -- for a -- for the results of the investigation that contain less information than a CDI?
MS. BRASTER: Objection to vague.
THE WITNESS: I believe it's still called CDF.
Q. (BY MR. CLARK) Okay. Does the name "consumer disclosure abbreviated" mean anything to you?

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A. I've never heard that. It's still a consumer disclosure final or CDF and then it would be abbreviated.

Q. Okay. So let me ask it this way.

Is -- have you heard of the term CDF full?

A. Yes.

Q. Okay. And what does that mean?

A. It is a full CDF and it is not abbreviated.

Q. Okay. Does a -- does a CDF full contain all the information that would be contained on a CDI?

MS. BRASTER: Objection to vague.

THE WITNESS: I'm not sure.

Q. (BY MR. CLARK) Okay. Does a CD -- how -- so what is a CDF abbreviated?

A. It is an abbreviated version of CDF and it is not a full version.

Q. Okay. Are you familiar with the term "consumer file disclosure"?

MS. BRASTER: I'm sorry, what was that, Miles?

MR. CLARK: Consumer file disclosure.

MS. BRASTER: Objection to vague. And to the extent it calls for a legal conclusion.

THE WITNESS: Those words get interchanged a lot, but I'm familiar with the word "disclosure."

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But I understand what consumer file means.

Q. (BY MR. CLARK) Okay. So you've never heard the phrase -- have you ever heard the phrase "consumer file disclosure" before?

MS. BRASTER: Same objections.

THE WITNESS: I might have, but I'm not sure if I've heard it in that terminology. But I could have.

Q. (BY MR. CLARK) Okay. So sitting here today as Experian 30(b)(6) witness, you don't know what the term "consumer file disclosure" means?

MS. BRASTER: Same objections and asked and answered.

THE WITNESS: A consumer file disclosure could -- no, I'm not exactly sure because it could be -- people use it different ways and I know we've been tripped up on the terminology before. So I know disclosure is something that's provided to the consumer as a consumer disclosure initial. And a consumer file disclosure some people would think that it could be provided for a third party, but I'm not sure what the terminology is.

Q. (BY MR. CLARK) Okay. That's fine. And I -- I don't want you to guess. So that's fair.

Have you ever heard the term "consumer file

disclosure" used in your work at Experian?
A. I don't think that we use that, no. Most of my peers, I've never heard of that -- I -- I don't know if I have. I can't remember. So I'll -- I'll keep saying that.
Q. Okay. That's fine. That's fine. Is it fair to say that it's not a term you commonly use in your work at Experian?
A. Yes.
Q. Okay. What about the term -- are you familiar with the term "credit report"?
A. Yes.
Q. And what does credit report mean?
MS. BRASTER: Objection to the extent it calls for a legal conclusion.
THE WITNESS: It generally means a report that is provided to a third party regarding a consumer.
Q. (BY MR. CLARK) Okay. And are you familiar with the term "credit file disclosure"?
MS. BRASTER: Objection, vague. And to the extent it calls for a legal conclusion.
THE WITNESS: My answer would be the same. I -- I might have heard it before, but I don't think so.
Q. (BY MR. CLARK) Okay. And when you say your answer would be the same, are you saying your answer

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would be the same for credit file disclosure as it was for consumer file disclosure?

A. Oh, yes. I'm sorry, I didn't even realize the two different words.

Q. Oh, oh. Oh, golly. So let me -- let me just make sure that we're on the same page. And I apologize. I'll just back up just to make sure. So I apologize for asking the question again.

Are you familiar with term "credit file disclosure"?

MS. BRASTER: Same objections.

THE WITNESS: I think I've heard that term and it's been used in many different ways by many different people. Usually it would be a report provided to a third party regarding a consumer.

Q. (BY MR. CLARK) Okay. And when you say it's been used in many different ways, what do you mean by that?

A. That's all I mean.

Q. Okay. Do you mean used by -- in many different ways by people at Experian?

MS. BRASTER: Objection to asked and answered.

THE WITNESS: It could be people at Experian, people outside Experian. And they have --

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people might think it means something provided to a consumer. And some might think it means something provided to a creditor. So it gets very confusing.

Q. (BY MR. CLARK) Okay. Have you ever used the term "credit file disclosure" before?

A. I might have. I'm not quite sure.

Q. Okay. Is it a term you commonly encounter in your work at Experian?

A. No.

Q. Okay. And are you familiar with the term "personal credit report"?

MS. BRASTER: Objection to the extent it calls for a legal conclusion.

THE WITNESS: Yes.

Q. (BY MR. CLARK) And what is a personal credit report?

MS. BRASTER: Same objection.

THE WITNESS: It's usually used interchangeably like a disclosure.

Q. (BY MR. CLARK) It's used interchangeably with -- with the disclosure you said?

A. Yes.

Q. Okay. And by disclosure -- just -- just -- just so I'm clear -- what do you mean by disclosure?

A. CDI.

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Q. Okay. But not a CDF or a -- but not a CDF?
A. It means CDI.
Q. Okay. So it means CDI.
Are you familiar with the personal -- sorry. That -- strike that.
Are you familiar with the term "consumer report"?
A. I've heard that before and that usually means a report provided to a third party regarding a consumer.
Q. Okay. Does -- is a CDF a consumer report?
MS. BRASTER: Object to the extent it calls for a legal conclusion.
THE WITNESS: No, I don't think so. A CDF does not go to third parties usually.
Q. (BY MR. CLARK) Okay. Are you familiar with the term "credit profile report"?
A. Yes.
Q. And what is a credit profile report?
MS. BRASTER: Objection to the extent it calls for a legal conclusion.
THE WITNESS: It's a report that would go to a third party regarding a specific consumer.
Q. (BY MR. CLARK) Other than the terms that we just discussed, are there any others that you're aware that Experian uses to describe the -- a document sent to

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a consumer which includes all the information in that consumer's credit file?

MS. BRASTER: Objection to vague. Assumes facts. And foundation.

THE WITNESS: I cannot think of any right now.

Q. (BY MR. CLARK) Okay. And other than the terms we have discussed, are there any others Experian uses to describe the documents that consumers -- which constitute the results of its reinvestigation into a consumer dispute?

MS. BRASTER: Objection to vague. Assumes facts.

THE WITNESS: I cannot think of any right now.

Q. (BY MR. CLARK) And other than the terms that we've discussed, are there any others that Experian uses to describe a document sent to third parties regarding information that may be contained in the consumer's credit file?

MS. BRASTER: Same objections.

THE WITNESS: I cannot think of any right now.

Q. (BY MR. CLARK) Okay. Thank you.

MR. CLARK: All right. I think --

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MADAM...

Madam Court Reporter, do you -- could you tell me how much time remains in the deposition?

THE REPORTER: One hour.

MR. CLARK: Okay. So we've been going about six hours, correct?

THE REPORTER: We've been going six hours and three minutes.

MR. CLARK: Okay. Great. Great. I think I have -- okay. Let me -- let me just follow up on that terminology for a second here, Anna.

Q. (BY MR. CLARK) The March 15, 2016, document we were discussing which appears on Ashcraft 5 through -- through 35. What kind of document is that?

A. A -- a CDI.

Q. Okay. And it's not any other kind of document?

MS. BRASTER: Objection to vague.

THE WITNESS: That's -- that's what I call it is a CDI or a disclosure.

Q. (BY MR. CLARK) Okay. And -- and the reason I ask is that you mentioned that they were disclosures before so I'm just trying to figure out what kind of disclosures they are.

A. Okay.

Q. Just -- just so I'm clear.

And how about the May 16th, 2016,

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reinvestigation we talked about from Ashcraft 68 to 71, what would you call that document?

A. A CDF.

Q. Would you call it anything else?

A. I don't think so.

Q. Okay. How about the January 25, 2017, personal credit report we were talking about from Ashcraft 72 through -- through 87, what would you call that?

A. A CDI.

Q. Would you call it anything else?

A. A disclosure.

Q. Okay. And finally, the February 8th, 2017, reinvestigation that we were talking about from Ashcraft 89 -- I'm sorry. 88 through 93, what would you call that?

A. A CDF.

Q. Would you call it anything else?

A. I don't think so.

Q. Okay. All right. I think we're almost done. I've just got a -- a few more -- a few more questions for you.

Anna, let's go to Exhibit 3. I would like to talk to you a little bit about the admin report that we were discussing on Ashcraft 99 to 106, okay.

A. Okay.

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Q. So first, what's the date that the -- that this admin report was generated?
A. January 25, 2007.
Q. And looking through do you see that there's a section of the admin report that says -- that has trades listed. It starts on -- it starts on 100.
A. Yes.
Q. Okay. And looking through the list of trades, do you see a Welk Resort Group account on 103?
A. (Looked at document.) Yes.
Q. Okay. And do you see that says -- do you see where it says deed in lieu on that -- on that account?
A. Yes.
Q. Okay. And does that mean deed in lieu?
A. Yes.
Q. Okay. And do you see where it says delinq 60?
A. Yes.
Q. What does that mean?
A. 60 days delinquent.
Q. Okay. Do you know based on looking at this -- this trade line here when Mr. Ashcraft's account was 60 days delinquent?
A. I do not.
Q. Okay. I'm going to go a little bit further down the page. Do you see a line that says "inquiries"

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on Ashcraft 103?
A. Yes.
Q. And -- and that goes -- does that go through Ashcraft 106?
A. (Looked at document.) Yes.
Q. Is this a list of consumer reports that Experian has provided to third parties?
MS. BRASTER: Objection to the extent it calls for a legal conclusion. Assumes fact.
THE WITNESS: This is a list of third parties that have received some type of information regarding Mr. Ashcraft.
Q. (BY MR. CLARK) Okay. Looking at the list of inquiries, I'll direct your attention to page 105. Do you see a -- oh, wait. Not 105. Pardon me. Yeah. 105. Do you see an entry for Welk Resort Group?
A. Yes.
Q. And what's the date of this inquiry?
A. January 25, 2017.
Q. Can you see on the -- on the far right side there's -- there's an entry that say DTP?
A. Yes.
Q. Do you know what DTP means?
A. I do not remember off the top of my head.
Q. Let me ask you this: In the Lynn Travers'

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deposition, do you recall that I asked you what DTP meant during that deposition?

MS. BRASTER: Objection to outside scope. Assumes facts.

THE WITNESS: No.

Q. (BY MR. CLARK) Okay. If -- if you were to see your -- a copy of your transcript from that deposition, would it refresh your recollection as to whether we had that discussion?

MS. BRASTER: Same objections and improper.

THE WITNESS: I would imagine if I read the testimony from that testimony, I could tell you what -- what I stated in that deposition. But I don't remember today.

Q. (BY MR. CLARK) Okay. That's fine.

So since Welk Resort Group is listed as an inquiry on this inquiry section, is it -- is it fair to conclude that Experian sent Mr. Ashcraft's consumer information to Welk on January 25, 2017?

MS. BRASTER: Objection to the extent it calls for speculation. Legal conclusion. Assumes facts.

THE WITNESS: Yes.

Q. (BY MR. CLARK) But we -- we're just not sure. Is there any other way looking at this Welk Resort Group

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item where you could figure out what Experian -- what information Experian sent Mr. -- or to -- to Welk as a result of this January 25, 2017, inquiry?

MS. BRASTER: Same objections.

THE WITNESS: I do not believe so.

Q. (BY MR. CLARK) Do you know whether Welk requested to receive this information or whether Experian sent this information to Welk of its own accord?

MS. BRASTER: Same objection.

THE WITNESS: I'm assuming they requested to receive information.

Q. (BY MR. CLARK) Okay. Would Experian -- if Experian sent information to -- to a -- a third party and -- that showed up in the inquiry section of an admin report, would Experian ever do that if it had not previously been requested to do so by the data furnisher in question?

MS. BRASTER: Objection to vague. Speculation. Assumes facts.

THE WITNESS: Not to my knowledge.

Q. (BY MR. CLARK) Okay. So is it fair to say that this list of inquiries is a -- a list of third parties that have requested consumer report information from Experian that was in Mr. Ashcraft's credit file?

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MS. BRASTER: Objection; speculation. Legal conclusion. Asked and answered.

THE WITNESS: Yes.

Q. (BY MR. CLARK) All right. So let's see -- let's go back to Exhibit 2 briefly. And we are -- we are almost finished. And I want to direct your attention to Ashcraft 82 through 84.

A. (Witness complies.) Okay.

Q. So I want to direct your attention to the top of -- the top left portion of Ashcraft 82 where it says "record of requests of your credit history." Do you see that?

A. Yes.

Q. And below that do you see a line that says "inquiries shared with others"?

A. Yes.

Q. Okay. And below that do you see three entries down on -- there's -- there's a listing for Discover Financial Serv -- and I'm not sure what the end of it says, but do you see where I'm looking at?

A. Yes.

Q. And there's a date of that inquiry for February 13, 2016?

A. Yes.

Q. And is -- is -- and -- and below the reason --

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below the date does it -- does it -- on that Discover credit pull is -- is there anything listed?
A. Unspecified.
Q. Okay. Going back to the list of inquiries that we were talking about from -- from on Experian 110 -- sorry, 103 to 106.
Do you see a February 13, 2016, inquiry from Discover Financial Serv?
MS. BRASTER: And you said starting at 103?
MR. CLARK: Yeah.
THE WITNESS: (Looked at document.) No.
Q. (BY MR. CLARK) Okay. Can I -- draw your attention -- hang on.
A. I -- I do see an inquiry for February 13, 2016, from Discover.
Q. Okay. Okay. Is -- is there a reason listed for that inquiry on the admin report?
A. I don't know what the code is next to it, if that is telling a reason or not.
Q. Okay. Do you see -- under -- under the inquiries column -- let me go back up. There are one, two, three, four -- there are -- there are five -- there are five main columns. The first one -- and if I'm looking at -- I'm looking at the first column, I'm looking at the Discover account. It says Discover

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Financial Serv. Do you see that?
A. What page number?
Q. This is Experian 104.
A. Yes.
Q. Okay. And do you see that first column says Discover Financial Serv?
A. Yes.
Q. Do you know what that column represents?
A. The name of the companies that inquired into this -- into Mr. Ashcraft's information.
Q. Okay. What about the next column? It says 2-13-16. Do you see that?
A. Yes.
Q. What does that represent?
A. The date of the inquiry.
Q. And then after that there's a -- there's a listing of it looks like seven numbers. Do you see that?
A. (Looked at document.) Yes.
Q. And what do those numbers represent?
A. I believe -- I believe that is a subscriber number assigned to Discover.
Q. Okay. And do you see there's -- there's a listing DC on the column after that?
A. Yes.

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Q. What does -- what does that represent?
A. That is one of the codes I do not have memorized right now.
Q. Okay. Maybe we can make it easier if -- if we go up to Ashcraft 103. Do you see there a single inquiry from Experian dated 4/15/95?
A. Yes.
Q. And do you see there's a -- there's -- there's the No. 30 in that same column as you see on the Discover Financial Services account we were just talking about?
A. (Looked at document.) I see the 30 attached to the Experian inquiry, yes.
Q. Okay. What does -- what does the 30 mean?
A. I don't know what this code means. I do not have inquiry codes memorized, all of them, that appear on the admin.
Q. Okay. Sure. And -- and let me -- let me ask a general question. Do you know what information goes in that fourth column where the 30 is for Experian?
A. No.
Q. So you're not sure whether it's like the type of business it is or the type of company it is or the type of inquiry, you're just not sure?
A. That is correct. I'm not a hundred percent

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sure so I can't testify as to what that is.

Q. Okay. And what about the fifth column, do you see where it says TII on that Experian inquiry on Ashcraft 103?

A. Yes.

Q. Do you know what that represents?

A. It might be the purpose of the inquiry. But again I'm not a hundred percent sure.

Q. Okay. Might be, but you're not sure. So let me ask you this. Going back to the Discover Financial inquiry we were discussing on Ashcraft 104. Is there anything in that fifth column under the Discover -- the Discover inquiry?

A. No.

Q. So if -- if -- if that column does represent the purpose for which the inquiry is made, isn't it fair to conclude that Experian doesn't have a record of what that purpose was?

MS. BRASTER: Objection; assumes facts. Speculation.

THE WITNESS: There is no record of what that is. That's correct.

Q. (BY MR. CLARK) Would Experian have a record of information that would otherwise be contained in that fifth column elsewhere in its records besides on this admin report?

MS. BRASTER: Same objections. And vague.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) Okay. So sitting here today looking at the -- looking at Ashcraft 82 and the Discover Financial credit pull we were talking about, comparing that with the -- the listing of that Discover Financial credit pull on Ashcraft 104, you can't tell me what -- for what purpose that pull was made?

MS. BRASTER: Objection; asked and answered. Speculation. Vague.

THE WITNESS: Correct.

Q. (BY MR. CLARK) Okay. So you're -- you're -- sitting here today, you can't -- you can't tell me whether that pull was made for a permissible purpose of or not?

MS. BRASTER: Same objections. And to the extent it calls for a legal conclusion.

THE WITNESS: I -- I did not state that, no.

Q. (BY MR. CLARK) Okay. Can you tell me whether or not this one -- can you tell me yes or no whether the Discover -- the Discover pull on February 13th, 2016, was permissible based on looking at Ashcraft 82 and Ashcraft 104?

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MS. BRASTER: Objection, vague. Legal conclusion.

THE WITNESS: All inquiries are required to have a permissible purpose.

Q. (BY MR. CLARK) Does Experian contain -- maintain a record of each permissible purpose which is -- for which a -- for which an inquiry is made?

MS. BRASTER: Same objections.

THE WITNESS: I do not --

MS. BRASTER: To the extent it calls for speculation.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) So there's nothing you could point to sitting here today that would indicate the purpose for which this Discover pull was made; is that fair to say?

MS. BRASTER: Same objections. And asked and answered.

THE WITNESS: Correct.

Q. (BY MR. CLARK) All right. Looking at the January 25th CDI and I want to direct your attention to -- bear with me. I'm going to direct your attention to Ashcraft 83. And on -- on the first -- on -- on the left side column about halfway down do you see an entry for Capital One?

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A. Yes.
Q. And what's the date of that -- is there a date by which -- on which Capital One inquired as to Mr. Ashcraft's consumer information?
A. Yes.
Q. And what is the date?
A. October 17, 2016.
Q. Do you see any other dates of inquiries in to -- for Mr. Ashcraft's consumer report other -- by Capital One other than October 17, 2016?
MS. BRASTER: Objection to foundation.
THE WITNESS: No.
Q. (BY MR. CLARK) Okay. Looking at -- looking at the -- looking at that list of inquiries from -- on Ashcraft 100 to 106, do you see any inquiries by Capital One?
A. Yes.
Q. Okay. And where are you looking?
A. Page 105.
Q. And let's see. And I count about 20 inquiries from Capital One on Ashcraft 105. Is that your -- if you're looking at it, do you agree with me?
A. I see 21, yes.
Q. Okay. I -- I -- I hesitated to give you an accurate number because I am a lawyer and my ability to

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do math has been hindered by my -- my legal advocacy. So I was pretty sure there was more than 20, but I wasn't sure if there were 21 or 22. Okay. So there's 21.

Are -- are there any inquiries from Capital One after October 17, 2016, on Ashcraft 105?

A. I do not see any.

Q. Okay. Let me ask you this finally. Going back to -- going back to the -- that list of numbers in the third column. That -- the seven digit listed numbers. And I want to direct your attention back to Experian 104. You said that -- I think you said earlier -- forgive me if I get this wrong -- that -- that this is -- you know, I'll just ask you the question again.

What do those -- those seven numbers represent in the third column?

MS. BRASTER: Objection; asked and answered.

THE WITNESS: I believe that is the subscriber number assigned to that creditor.

Q. (BY MR. CLARK) Okay. And do you see on the bottom of Ashcraft 104 and continuing to Ashcraft 105 -- one, two, three, four five -- six inquiries by Experian?

A. Yes.

Q. Okay. And do you see the first -- the first

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four on Ashcraft 104 have the No. 3499953. Do you see that?

A. Yes.

Q. But the last one has the number -- I'm sorry. No, it has 349953 (sic). My apologizes. Do you see that?

A. Yes.

Q. But the last number has the No. 3499999. Do you see that?

A. Yes.

Q. Do you know what the -- do you know why there's -- there's a different number there?

A. No. I would have to look at these numbers to see if I can find out what they mean. Maybe it's a different part of Experian. I really do not know sitting here looking at it.

Q. Okay. Okay. That's fine. Do you know what the -- looking that fifth column and looking at that -- those Experian inquiries, do you know what the term -- the code CNX stands for?

A. (Looked at document.) This might be the coding for CDI and CDF.

Q. Okay. What about CFR?

MS. BRASTER: Objection to vague.

THE WITNESS: I do not know.

Q. (BY MR. CLARK) What about -- looking at Ashcraft 105, what about OBO?

A. I do not know.

Q. Okay.

MR. CLARK: Jen, if I can just have -- agree to go off for like -- for just a minute or two.

MS. BRASTER: Sure.

MR. CLARK: I may have a few clean-up questions, but that's -- that's -- that's the end of my -- that's the end of my direct right now.

Not -- not the official end of my direct, but I just want to go off and make sure I didn't miss anything.

MS. BRASTER: That's -- that's fine. We'll just stay on the line if that works for you, unless you need more time.

(Pause in proceedings)

MS. BRASTER: Anna, I want to thank you again for -- for sitting down and discussing some of the issues involved in this case with me today. As always. I appreciate your time. Glad we were able to get out of here at least with my direct a little bit sooner than we have before.

But at this point I have -- I have nothing further. And I would pass the witness.

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MS. BRASTER: Thank you, Miles. I don't have any questions. And this time I'll remember to put it -- say it now that we want to review and sign, please.

MR. CLARK: Okay.

(Proceedings concluded at 5:18 p.m.)

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CHANGES AND SIGNATURE

WITNESS: ANNA SIMMONS DATE: MAY 3, 2017

PAGE LINE CHANGE REASON

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I, ANNA SIMMONS, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

____
ANNA SIMMONS

THE STATE OF ____________)
COUNTY OF _______________)

Before me, _______________________, on this day personally appeared ANNA SIMMONS, known to me (or proved to me under oath or through_______________) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of ________________, 2017.

____
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN E. ASHCRAFT) Case No. 2:16-cv-02978-JAD-NJK
)
)
VS.)
)
WELK RESORT GROUP,)
CORP., and EXPERIAN)
INFORMATION SOLUTIONS,)
INC.)

REPORTER'S CERTIFICATION

DEPOSITION OF ANNA SIMMONS

MAY 3, 2017

I, Sherry Folchert, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ANNA SIMMONS, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on the _____ day of May, 2017, to the witness or to the attorney for the witness for examination, signature and return to me by _____ day of June, 2017;

That the amount of time used by each party at the deposition is as follows:

Miles N. Clark - 6 hours, 29 minutes

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Jennifer L. Braster - 0 minutes

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

Miles N. Clark, Attorney for Plaintiff;

Jennifer L. Braster, Attorney for Defendant;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 16th day of May, 2017.

____

SHERRY FOLCHERT, CSR NO. 6259
Expiration Date: 12/31/17
Compass Reporting Group
P.O. Box 79487
Houston, Texas 77279
504-207-5736

Case 2:16-cv-02978-JAD-NJK Document 32-1 Filed 07/10/17 Page 261 of 262

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN E. ASHCRAFT) Case No. 2:16-cv-02978-JAD-NJK
VS.)
WELK RESORT GROUP, CORP., and EXPERIAN INFORMATION SOLUTIONS, INC.)

REPORTER'S CERTIFICATION
DEPOSITION OF ANNA SIMMONS
MAY 3, 2017

I, Sherry Folchert, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ANNA SIMMONS, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on the 21 day of May, 2017, to the witness or to the attorney for the witness for examination, signature and return to me by 16 day of June, 2017;

That the amount of time used by each party at the deposition is as follows:

Miles N. Clark - 6 hours, 29 minutes

Case 2:16-cv-02978-JAD-NJK Document 32-1 Filed 07/10/17 Page 262 of 262

Jennifer L. Braster - 0 minutes

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

Miles N. Clark, Attorney for Plaintiff;

Jennifer L. Braster, Attorney for Defendant;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 16th day of May, 2017.

Sherry Folchert

SHERRY FOLCHERT, CSR NO. 6259
Expiration Date: 12/31/17
Compass Reporting Group
P.O. Box 79487
Houston, Texas 77279
504-207-5736

Case 2:16-cv-02978-JAD-NJK Document 32-2 Filed 07/10/17 Page 1 of 1

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2017, and pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the foregoing unredacted Exhibit B of **PLAINTIFF'S MOTION TO STRIKE IN PART DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S ERRATA SHEET TO ITS 30(B)(6) DEPOSITION** was served via the U.S. District Court's electronic filing system and by email to all individuals entitled to receive notice of the same.

/s/ Miles N. Clark _______
An employee of Knepper & Clark LLC

EXHIBIT A-1

June 14, 2017 letter from Jennifer Braster to Miles Clark et al. and accompanying June 14, 2017 letter from Jennifer Braster to Veritext enclosed Anna Simmons's errata to 30(b)(6) deposition

NAYLOR & BRASTER

ATTORNEYS AT LAW

Jennifer L. Braster
(t) (702) 420-7997
jbraster@naylorandbrasterlaw.com

June 14, 2017

Via email
Miles N. Clark
Matthew I. Knepper
Knepper & Clark, LLC
10040 W. Cheyenne Ave. Suite 170-109
Las Vegas, NV 89129

Re: *Ashcraft v. Welk Resort Group, Corp., et. al.* , Case No. 2:16-cv-02978-JAD-NJK

Dear Messrs. Clark and Knepper,

Enclosed herein is a letter to the court reporter containing Ms. Simmons' changes to the testimony provided on May 3, 2017, as Experian Information Solutions, Inc.'s ("Experian") 30(b)(6) designee. The enclosed letter also contains Experian's confidentiality designations.

Unfortunately, Ms. Simmons' May 3, 2017 deposition testimony was inaccurate as to whether the May 16, 2016 balance date that appears in the Subscriber Response portion of the ACDV (EXP-ASHCRAFT 000065) was provided by the furnisher, Welk Resort Group, Corp. ("Welk"), or by Experian. The corrected testimony reflects that the date was, in fact, provided by Welk. I understand that the true facts may have an impact on Plaintiff's position in his Motion to Amend ("Motion") (ECF No. 24) and Reply brief (ECF No. 26). And while I understand that you did not have the benefit of the final transcript at the time you filed these briefs, I am also confident that you would not want to prevail on a motion on the basis of inaccurate facts or evidence. Accordingly, I invite you to withdraw the pending Motion. Experian will stipulate to Plaintiff re-opening the deposition and will make its 30(b)(6) designee available to allow you to fully explore the issues in this case on the basis of the corrected, accurate testimony (as limited by the objections to Plaintiff's First Amended Notice of Deposition and our meet and confers relating to the same). If you subsequently wish to refile the Motion, Experian will not oppose such Motion on the grounds that the deadline to amend the pleadings in this case has passed. (Experian reserves its right to oppose on any other available grounds, depending on the content of the refiled Motion.)

Alternatively, the parties could stipulate to stay discovery and disposition of the Motion, during which time the only discovery would be the re-opened deposition of Experian's 30(b)(6) designee.

NAYLOR & BRASTER
ATTORNEYS AT LAW

Please let me know how you would like to proceed.

Sincerely,

Jennifer L. Braster

Enclosure

cc: David H. Krieger, Esq.
Sean Payne, Esq.

NAYLOR & BRASTER
ATTORNEYS AT LAW

Jennifer L. Braster
(t) (702) 420-7997
jbraster@naylorandbrasterlaw.com

June 14, 2017

Via E-Mail & Certified Mail w/ Return Receipt Requested
Compass Reporting Group
7020 Portwest Drive
Houston, TX 77024

Re: ***Ashcraft v. Welk Resort Group, Corp., et. al.*** **, Case No. 2:16-cv-02978-JAD-NJK**

Dear Sir or Madam:

Enclosed please find Anna Simmons' signature on the Declaration for the transcript of her deposition on May 3, 2017, as Experian Information Solutions, Inc.'s Rule 30(b)(6) designee.

Additionally, Ms. Simmons has requested the following changes to the transcript:

Page:Line	Change	Reason
16:7	Delete "a," after "Cummings."	Typographical error
42:3	Change "Ms. Braster" to "Mr. Clark."	Typographical error
51:3	After "Yes," insert "but it is CASS agent, not 'cast' agent."	Clarifying
59:9	Change "ACDV" to "a CDF."	Clarifying
61:9	After "Yes," "but I said a CDF."	Clarifying
64:8	After "Yes," "but I said a CDF."	Clarifying
69:22	Change "Automatic" to "Automated."	Typographical error
72:2	Change "ACDV" to "A CDF."	Typographical error
166:6-8	After "respond back with," add "At the time of my deposition, I misunderstood this particular ACDV. Upon review of the transcript and exhibits, and further research, I see that the furnisher, Welk, did provide a balance date as shown on the ACDV." Strike "In this case they did not provide the required balance date, so Experian added the ACDV response date."	Non-responsive and accuracy

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Page:Line	Change	Reason
166:19	After "provide," change to "a new account status as they did here," and strike the rest of the response after "here."	Accuracy
166:25	After "does," insert "in some circumstances."	Clarifying
167:7	After "does that," insert "in some circumstances."	Clarifying
167:14-15	Change "Yes. Because the balance date was not provided as is required when they provide that account status," to "No, that's not what the document says."	Accuracy
167:19	Change "Not in this case for the balance date," to "No, that's not what the document says."	Accuracy
168:15-16	Change "show that Welk's – Welk responded back with a balance date" to "reflect that information."	Accuracy and clarification
168:19-21	Change "It does not appear on the D/R Log and I do know from training that if they don't provide a date, we do use the ACDV response date, as in this case" to "It did."	Accuracy and clarification
169:11-14	Strike "I know that the balance date is the one item that Experian has to put in when the data furnisher does not provide the required balance date in their ACDV response."	Non-responsive and accuracy
169:24-25	Strike "And in this case they did not, so Experian used the ACDV response date."	Accuracy
170:18	Change "Yes" to "No, Welk did provide a balance date."	Accuracy
173:16-18	Strike "that you stated we didn't receive, so we had to – to input the ACDV response date"	Clarifying
174:19	Change "Yes," to "Any information in the subscriber response boxes is provided by the data furnisher."	Clarifying
176:2-6	After "they were required to provide a balance date," insert "and that is the date the furnisher provided." Strike "Because they did not, Experian used the ACDV response date."	Accuracy and clarification
188:22-25	After "status, and they did," delete "not."	Accuracy and clarification
190:9	Change "I believe so," to "If you want to know what Welk provided, you would look to the ACDV."	Accuracy and clarification
230:13	Change "It" to "A CDF"	Typographical error

Finally, the following exhibits and testimony should be marked as "Confidential" pursuant to the amended stipulated protective order entered by the Court on February 21, 2017, in the above-referenced action:

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Confidential Exhibits
Exhibit 3(all documents in entirety) Please note, the Exhibit 3 provided with the transcript does not contain EXP-ASHCRAFT 000097-98, which were inadvertently attached with Exhibit 2. EXP-ASHCRAFT 000097-98 should be part of Exhibit 3, and are marked Confidential.
Exhibit 4 (all documents in entirety)
Exhibit 5 (all documents in entirety)
Exhibit 6 (all documents in entirety)
Exhibit 7 (all documents in entirety)
Exhibit 8 (all documents in entirety)
Exhibit 9 (all documents in entirety)
Exhibit 10 (all documents in entirety)
Exhibit 11 (all documents in entirety)
Exhibit 12 (all documents in entirety)

Confidential Testimony (by Page:Line)
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80:20-80:25
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90:25-91:17
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181:9-182:8
183:13-183:21
186:20-187:16
189:23-190:20
193:21-194:14
202:8-202:14
202:24-207:25
209:15-210:13
216:21-217:22
239:22-244:3

NAYLOR & BRASTER

ATTORNEYS AT LAW

245:4-250:19
251:13-254:3

Sincerely,

Jennifer L. Braster

CHANGES AND SIGNATURE

WITNESS: ANNA SIMMONS DATE: MAY 3, 2017

PAGE	LINE	CHANGE	REASON

See attached June 14, 2017, letter for changes.

I, ANNA SIMMONS, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

[signature]
ANNA SIMMONS

THE STATE OF Texas)
COUNTY OF Collin)

Before me, Lisa Wallace, on this day personally appeared ANNA SIMMONS, known to me (or proved to me under oath or through employment (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14 day of June, 2017.

Lisa Wallace
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

LISA WALLACE
Notary Public, State of Texas
Comm. Expires 06-03-2020
Notary ID 126519481